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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Parts 407 and 457

RIN 0563–AC70

[Docket ID FCIC–20–0008]

Area Risk Protection Insurance Regulations; Common Crop Insurance Policy Basic Provisions; Common Crop Insurance Regulations, Sunflower Seed Crop Insurance Provisions; and Common Crop Insurance Regulations, Dry Pea Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Correcting amendment.

SUMMARY: On November 30, 2020, the Federal Crop Insurance Corporation published a final rule which revised the Area Risk Protection Insurance Regulations; Common Crop Insurance Policy Basic Provisions; Common Crop Insurance Regulations, Sunflower Seed Crop Insurance Provisions; and Common Crop Insurance Regulations, and Dry Pea Crop Insurance Provisions. Changes were published in the final rule that were inadvertently not incorporated when the changes were made in the Code of Federal Regulations (CFR) as currently reflected in the electronic CFR. This rule makes those corrections.

DATES: *Effective:* February 24, 2021.

FOR FURTHER INFORMATION CONTACT: Francie Tolle; telephone (816) 926–7730; email *francie.tolle@usda.gov.* Persons with disabilities who require alternative means of communication should contact the USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Background

We published a final rule in the **Federal Register** on November 30, 2020, (85 FR 76420–76428), that included changes to the Cancellation and Termination Dates in the Sunflower Seed Crop Insurance provisions and the Insurance Period in the Dry Pea Crop Insurance provisions. Changes were published in the final rule that were inadvertently not incorporated when the changes were made in the Code of Federal Regulations (CFR) as currently reflected in the electronic CFR. Additionally, there was a typo in one of the changes. This rule makes the required corrections.

This correction is being published to correct section 4, Cancellation and Termination Dates, in the Sunflower Seed Crop Insurance Provisions. The table that provided specific state and county cancellation and termination dates was inadvertently omitted. Additionally, a comma is being removed in section 11, Settlement of Claim. The correction to the Dry Pea Crop Insurance Provisions will replace the phrase ''the sales closing date'' with ''its sales closing date'' that was inadvertently omitted in section 7, Insured Crop. Additionally, the word ''types'' was inadvertently included twice in a row in section 9, Insurance Period; that section is being edited to remove the repetitive word.

List of Subjects in 7 CFR Part 457

Acreage allotments, Crop insurance, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 457 is corrected by making the following correcting amendments:

PART 457—COMMON CROP INSURANCE REGULATIONS

■ 1. The authority citation for part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l) and 1506(o).

■ 2. Amend § 457.108 by:

■ a. Revising section 4;

■ b. In section 11, in paragraph (d)(3)(i), removing the comma following the phrase ''or conditions''.

The revision reads as follows:

§ 457.108 Sunflower seed crop insurance provisions.

* * * * *

4. Cancellation and Termination Dates.

In accordance with section 2 of the Basic Provisions, the cancellation and termination dates are:

State and county	Cancellation and termination dates
Hidalgo, Jim Wells, Nueces, and Starr Counties, Texas.	January 31.
All other Texas counties and all other States.	March 15.

* * * * *

§ 457.140 Amended]

■ 3. Amend § 457.140 by:

■ a. In section 7, in paragraph (c), removing the phrase ''the sales closing date'' and add the phrase ''its sales closing date'' in its place.

■ b. In section 9, in paragraph (a), removing the phrase ''spring-planted types types'' and add ''spring-planted types'' in its place.

Richard Flournoy,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 2021–03502 Filed 2–23–21; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 946

[Doc. No. AMS–SC–20–0062; SC20–946–1 FR]

Irish Potatoes Grown in Washington; Suspension of Reporting and Assessment Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule suspends the reporting and assessment requirements prescribed under the marketing order regulating Irish potatoes grown in Washington. In a separate action, the State of Washington Potato Committee recommended termination of the marketing order. This final rule indefinitely suspends the reporting and assessment requirements of the marketing order during the period that USDA is processing the termination request.

DATES: Effective March 26, 2021 §§ 946.143 and 946.248 are stayed indefinitely.

FOR FURTHER INFORMATION CONTACT: Gregory A. Breasher, Marketing

Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326–2724 or Email: *Gregory.Breasher@usda.gov* or *GaryD.Olson@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, 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 Email: *Richard.Lower@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This final rule is issued under Marketing Order No. 946, as amended (7 CFR part 946), regulating the handling of Irish potatoes grown in Washington. Part 946 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The State of Washington Potato Committee (hereinafter referred to as the ''Committee'') locally administers the Order and is comprised of producers and handlers of Irish potatoes operating within the production area.

The Department of Agriculture (USDA) is issuing this final rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This final rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to a marketing order may file with USDA a petition stating that the marketing order, any provision of the marketing order, or any obligation imposed in connection with the marketing order is not in accordance with law and request a modification of the marketing order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The Committee meets regularly to consider recommendations for modification, suspension, or termination of the Order's regulatory requirements. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA reviews Committee recommendations, including information provided by the Committee and from other available sources, and determines whether modification, suspension, or termination of the regulatory requirements will tend to effectuate the declared policy of the Act.

On June 11, 2020, the Committee met and, after much deliberation, unanimously recommended that USDA terminate the Order. Additionally, the Committee recommended that the Order's reporting and assessment requirements—the only regulatory activities of the Order in effect at the time—be suspended while the recommendation for termination is being processed by USDA. The termination is a separate regulatory action from the suspension of administrative requirements.

Section 946.41 of the Order provides authority for the Committee to assess handlers for their pro rata share of the Committee expenses authorized each fiscal period. Section 946.70 of the Order authorizes the Committee to collect reports and other information necessary for the Committee to perform its duties under the Order. This rule suspends—or ''stays''—§ 946.248, which establishes a continuing assessment rate of $0.0025 per hundredweight, effective for the 2013–2014 and subsequent fiscal periods, and § 946.143, which requires monthly reporting of fresh potato shipments from the production area.

The Order has been in effect since 1949, providing the Washington potato industry authority for grade, size, quality, maturity, pack, and container requirements, as well as authority for inspection requirements. Based on the Committee's recommendation in 2010, USDA suspended the Order's handling requirements for Russet potatoes. The Committee believed that the costs of inspection outweighed the benefits provided from having the Order's regulatory requirements in effect for that type potato.

In 2013, also upon the recommendation of the Committee, USDA suspended handling requirements temporarily, through June 30, 2014, for all yellow flesh and white type potatoes. The Committee believed that the costs of inspection outweighed the benefits provided from regulation for these type potatoes as well.

In 2014, the handling requirements for red type potatoes were indefinitely suspended. Also in 2014, the temporary suspension of handling requirements for yellow flesh and white types was extended indefinitely. The sum of the previous actions effectively suspended the handling requirements for all types of Washington potatoes after the 2013–2014 marketing year. The Committee believed operating without handling regulation offered Washington potato handlers a cost savings through the elimination of mandatory inspection fees. Also, the Committee had determined that the potential negative market impact of operating without mandatory quality and inspection requirements was minimal.

Following the suspension of the handling requirements in 2014, the Committee continued to levy assessments and to maintain its administrative function. The Committee believed that it should continue to fund its full operational capability, collect industry statistics on an ongoing basis, and maintain the program if regulating quality was again deemed necessary.

The Committee met on June 11, 2020, to discuss the status of the Washington potato industry and the relevance of the Order. The Committee determined that the suspension of the Order's handling requirements has not negatively impacted the industry and that there is no longer a need for the Order. Also, the Committee concluded that the collection of information under the Order's authority is redundant, as the Washington Potato Commission has similar handler reporting requirements as the Order, and that the statistical information collected by the Commission is provided to the industry. Thus, the Committee unanimously recommended terminating the Order.

In addition, the Committee determined that there is no need to continue collecting assessments and requiring reports while USDA considers its termination recommendation. Therefore, the Committee also unanimously recommended that the assessment and reporting requirements of the Order be immediately suspended. This action relieves handlers of the assessment and reporting burden during the pendency of the termination process.

At the June meeting, the Committee recommended a budget of $41,150 for the indefinite period leading up to the termination of the Order. The budgeted amount was established based on the funds remaining in the Committee's

monetary reserve and expected future expenses. The budget, in its entirety, will provide for such operating expenses as are necessary during the termination process, including a final financial review and management compensation.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this final rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 250 producers of Washington potatoes and approximately 26 fresh potato handlers in the production area subject to regulation by the Order.

Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $30,000,000, and small agricultural producers are defined as those having annual receipts of less than $1,000,000.

According to USDA Market News, the average shipping point price for fresh Washington potatoes during the 2019 shipping season was approximately $15.79 per hundredweight. The Committee reported 2019–2020 marketing year fresh potato shipments were 9,687,170 hundredweight. Using the average price and shipment information along with the number of handlers, average annual receipts for a handler were significantly less than $30,000,000 ($15.79 times 9,687,170 hundredweight equals $152,960,414, divided by 26 handlers equals $5,883,093 per handler).

In addition, USDA National Agricultural Statistics Service reported an average producer price of $8.20 per hundredweight for the 2019 crop. Given the number of Washington potato producers, the average annual producer revenue is well below $1,000,000 ($8.20 times 9,687,170 hundredweight equals $79,434,794, divided by 250 producers equals $317,739 per producer). Therefore, most handlers and producers of fresh Washington potatoes may be classified as small agricultural businesses.

This final rule suspends the reporting and assessment requirements of the Order. The handler reporting requirement that is suspended is the monthly collection of Washington fresh potato shipment information. The assessment rate that is suspended is the $0.0025 per hundredweight rate that was established beginning July 1, 2013. The Committee also recommended a budget of expenditures of $41,150 for the period beginning July 1, 2020 and ending with termination of the Order. The budget was based on the Committee's estimated financial resources on June 30, 2020. Budgeted expenditures include administrative expenses and a final financial review.

The Committee made the recommendation to suspend the reporting and assessment requirements as an adjunct to the recommendation to terminate the Order. As such, the only other alternative discussed by the Committee was to maintain the status quo, continue to assess handlers, and to require monthly handling reports. After consideration, the Committee determined that the Order is no longer beneficial to the industry and that the best recourse was to cease operations and terminate the Order.

This action suspends the Order's reporting and assessment obligations imposed on handlers. When in effect, assessments are applied uniformly on all handlers, and some of those costs may be passed on to producers. Suspension of the reporting and assessment requirements reduces the regulatory burden on handlers and is also expected to reduce the burden on producers.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178 Vegetable and Specialty Crops. This final rule suspends those information collection requirements, and any reporting and recordkeeping requirements under the Order.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this final rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

The Committee's meeting was widely publicized throughout the Washington potato industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 11, 2020, meeting was a public meeting, and all entities, both large and small, were able to express their views on these issues.

A proposed rule concerning this action was published in the **Federal Register** on October 13, 2020 (85 FR 64415). Copies of the proposal were provided by the Committee to members and handlers. Finally, the proposed rule was made available through the internet by USDA and the Office of the Federal Register. A 60-day comment period ending December 14, 2020, was provided to allow interested persons to respond to the proposal. No comments were submitted. Accordingly, no changes have been made to the rule as proposed.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agriculture Marketing Service amends 7 CFR part 946 as follows:

PART 946—IRISH POTATOES GROWN IN WASHINGTON

■ 1. The authority citation for 7 CFR part 946 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§§ 946.143 and 946.248 [Stayed]

■ 2. Stay §§ 946.143 and 946.248 indefinitely.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2021–03528 Filed 2–23–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1206

[Document No. AMS–SC–20–0086]

Mango Promotion, Research and Information Order; Removal of Frozen Mangos

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule amends the Mango Promotion, Research and Information Order (Order) by removing the provisions of frozen mangos as a covered commodity. The Order is administered by the National Mango Board (Board) with oversight by the U.S. Department of Agriculture (USDA). In a referendum, first handlers and importers voted to remove frozen mangos as a covered commodity under the Order. This rule will remove frozen mangos as a covered commodity, discontinue the collection of assessments on frozen mangos, remove frozen mango entity representation on the Board, and make necessary conforming changes.

DATES:

Effective date: February 25, 2021. Assessment collection on frozen mangos will discontinue on the effective date of this rule.

Comments due: Comments which are received by April 26, 2021 will be considered prior to issuance of any final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. All comments must be submitted through the Federal e-rulemaking portal at: *http://www.regulations.gov* and should reference the document number and the date and page number of this issue of the **Federal Register**. All comments submitted in response to this rule will be included in the rulemaking record and will be made available to the public. Please be advised that the identity of individuals or entities submitting comments will be made public on the internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Marlene Betts, Marketing Specialist, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; telephone: (202) 720–5057; or email: *Marlene.Betts@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule affecting 7 CFR part 1206 (the Order) is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411–7425).

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

Executive Order 12988

In addition, this rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have a retroactive effect. Section 524 of the 1996 Act (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act (7 U.S.C. 7418), a person subject to an order issued under the Act may file a written petition with USDA stating that the order, any provision of the order, or any obligation imposed in connection with the order, is not established in accordance with the law, and request a modification of the order or an exemption from the order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Background

The Mango Promotion, Research, and Information Order (Order) took effect in November 2004 (69 FR 59120), and assessment collection began in January 2005 for fresh mangos. The Order is administered by the National Mango Board (Board) with oversight by the U.S. Department of Agriculture. Currently, the program is funded by assessments on first handlers and importers of fresh and frozen mangos, and is focused on maintaining and expanding existing markets and uses for fresh and frozen mangos through its research, promotion and information efforts.

Frozen mangos as a covered commodity was added to the Order on February 21, 2019 (84 FR 5335), and a referendum was held in 2019 to determine whether the industry favored the inclusion of frozen mangos as a covered commodity under the Order. In the 2019 referendum, 52.5 percent of first handlers and importers of fresh and frozen mangos were in favor of the amendment to add frozen mangos to the Order. Since the vote passed by a small margin, the frozen mango industry asked the Board to conduct another referendum on whether frozen mangos should continue as a covered commodity under the Order.

The Order prescribes that every five years, the USDA conduct a referendum to determine if first handlers and importers of mangos favor the continuation of the Order. Such a referendum was required to be conducted in 2020. At the Board's September 2019 meeting, it was unanimously recommended to the USDA to add a second question to the continuance referendum ballot concerning frozen mangos as a covered commodity. USDA conducted a referendum from September 21 through October 9, 2020, among eligible first handlers and importers to (1) ascertain whether the continuance of the Order is

favored by eligible first handlers and importers covered under the Order, and (2) ascertain whether the continuance of frozen mangos as a covered commodity in the Order is favored by eligible first handlers and importers (including frozen mango importers) covered under the Order. The results were announced on October 20, 2020, stating that 60 percent of mango first handlers and importers voting were in favor of continuing the Order. On the question as to whether to continue frozen mangos as a covered commodity in the Order, 42 percent voted to keep frozen mangos in the Order, 49 percent voted to eliminate frozen mangos and 9 percent did not vote on this question. Of those representing frozen mangos, 83 percent voted to eliminate frozen mangos as a covered commodity.

Section 522 of the 1996 Act (7 U.S.C. 7421) and § 1206.72 of the Order (7 CFR 1206.72) provide that if the Secretary determines that provisions of the Order are not favored by persons voting in a referendum, the Secretary shall terminate those provisions. In accordance with the 1996 Act and Order, this rule removes the provisions of frozen mangos as a covered commodity under the Order including: Removing definitions for frozen mangos and foreign processor of frozen mangos; reducing the Board's membership from 21 to 18 by eliminating two importers of frozen mangos and one foreign processor of frozen mangos; removing assessment collection provisions for frozen mangos at a rate of $0.01 per pound and thereby eliminating assessments on frozen mango imports; and removing the exemption of assessment for importers who import less than 200,000 pounds of frozen mangos annually. In addition, this rule makes clarifying and conforming changes to other provisions of the Order.

Order Provisions

In accordance with § 1206.72, the following changes are necessary to terminate and remove the provisions regarding frozen mangos from the Order. In addition, §§ 1206.6 and 1206.9 which define the terms ''first handler'' and ''importer,'' respectively, are revised to add the reference that first handlers and importers, respectively, must receive or import 500,000 or more pounds of mangos; this volume is added for the purpose of clarity.

Section 1206.8, which defines the term ''foreign producers and foreign processor of frozen mangos or foreign processor'', is revised to remove the definitions of ''foreign processor of frozen mangos or foreign processor'' because they are no longer covered under the Order. The definition for ''foreign producer'' will remain.

The definition of ''mangos'' in § 1206.11 is revised to mean all fresh fruit of *Mangifera indica* L. of the family *Anacardiaceae.* The term ''frozen mangos'' is removed as it is no longer a covered commodity.

Section 1206.30, which establishes the Board's membership, is revised to reduce its size from 21 to 18 members due to the removal of three members; *i.e.,* two importers of frozen mangos and one foreign processor. The three members are removed from the Board once this rule is effective. The remaining 18-member Board will be comprised of 8 importers, 1 first handler, 2 domestic producers, and 7 foreign producers. In addition, eligibility requirements for Board members from the frozen mango industry are removed, and only those eligibility requirements for the first handler and fresh mango importers remain. Lastly, the four ''Importer Districts'' that were unintentionally removed from the CFR when this section was amended, are restored to section 1206.30 as paragraphs (b)(1)–(4).

Section 1206.31, which describes the procedures for nominating and appointing Board members to the Board, is revised to remove procedures for nominating foreign processors and importers of frozen mangos. Section 1206.32, which specifies that Board members serve for a 3-year term of office and may serve a maximum of two consecutive 3-year terms, is revised to remove the references to importers of frozen mangos and foreign processors.

Section 1206.34 specifies quorum requirements for Board meetings, and with the reduction of the Board from 21 to 18, a decrease in quorum requirements is necessary. Therefore, this section is revised to specify that a quorum at a Board meeting exists when at least 10 of the 18 Board members are present.

Section 1206.42 specifies the assessment rate for fresh mangos and frozen mangos. Paragraph (b) is revised to remove the provisions assessing importers of frozen mangos one cent ($0.01) per pound, and paragraph (d)(2), which includes the Harmonized Tariff Schedule (HTS) of the United States that applies to imported frozen mangos (number 0811.90.5200), is removed from the Order. Assessments on frozen mango importers shall be terminated. The termination of assessment collection on frozen mango importers will be effective one day after publication of this rule.

In § 1206.43, paragraphs (a) and (b) are revised to remove references to frozen mango exemptions as frozen mangos are no longer a covered commodity.

Subpart B of part 1206 specifies procedures for conducting a referendum. In § 1206.101, paragraphs (c), (d), and (e) are revised to delete the references to eligibility of frozen mango importers to vote in referenda, as frozen mangos are no longer a covered commodity, and to restore definitions prior to when this section was amended.

Finally, this rule updates the OMB control number specified in § 1206.108 from 0581–0209 to 0581–0093.

Regulatory Flexibility Act Analysis and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of the rule on small entities. Accordingly, AMS has considered the economic impact of this action on such entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $750,000 and small agricultural service firms (first handlers and importers) as those having annual receipts of no more than $7.5 million.

According to the Board, there are five first handlers of fresh mangos. Based on 2019 Customs data, the majority of first handlers handled less than $7.5 million worth of fresh mangos and would thus be considered small entities.

Based on 2019 Customs data,[1] there are about 100 importers of fresh mangos and 70 importers of frozen mangos. The majority of fresh and frozen mango importers import less than $7.5 million worth of fresh or frozen mangos and would also be considered small entities. This action will remove frozen mango importers from the requirements associated with this research and promotion Order and result in a regulatory relaxation, and is therefore expected to reduce costs for frozen mango importers.

This rule amends AMS's regulations regarding the mango research and promotion program to remove frozen mangos as a covered commodity under the Order. A continuance referendum was conducted September 21 through October 9, 2020, among eligible first

[1] *https://www.cbp.gov/trade/automated.*

handlers and importers to (1) ascertain whether the continuance of the Order is favored by eligible first handlers and importers covered under the Order, and (2) ascertain whether the continuance of frozen mangos as a covered commodity in the Order is favored by eligible first handlers and importers (including frozen mango importers) covered under the Order. The results were announced on October 20, 2020, stating that 60 percent of mango first handlers and importers voting were in favor of continuing the Order. On the question as to whether to continue frozen mangos as a covered commodity in the Order, 42 percent voted to keep frozen mangos in the Order, 49 percent voted to eliminate frozen mangos, and 9 percent did not vote on this question. Of those representing frozen mangos, 83 percent voted to eliminate frozen mangos as a covered commodity.

This rule removes references to frozen mangos as a covered commodity under the Order including: Removing definitions for frozen mangos and foreign processor of frozen mangos; reducing the Board's membership from 21 to 18 by eliminating two importers of frozen mangos and one foreign processor of frozen mangos; removing assessment collection provisions for frozen mangos at a rate of one cent ($0.01) per pound and thereby eliminating assessments on frozen mango imports; removing the exemption of assessment for importers who import less than 200,000 pounds of frozen mangos annually; removing definitions for frozen mango importers concerning eligibility in a referendum; and clarifying and conforming changes to other provisions of the Order. This rule will also update the OMB number 0581–0209 listed in § 1206.108 to OMB number 0581–0093.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements previously approved by the OMB and titled Frozen Mango Research, Promotion and Information Program, and assigned OMB No. 0581–0314 will be submitted to OMB for withdrawal as these forms and information collection regarding frozen mangos are no longer needed.

The information collection package (0581–0314) that imposes a total burden of 166 hours and 475 responses for 190 respondents will be terminated.

The industry voted in a referendum held September 21, through October 9, 2020, to remove frozen mangos as a covered commodity from the Order. On October 20, 2020, the Department announced through a notice to trade that 42 percent of mango first handlers and importers voted to keep frozen mangos as a covered commodity, 49 percent of mango first handlers and importers voting were not in favor of frozen mangos as a covered commodity and 9 percent did not vote on this question. Of those representing frozen mangos 83 percent voted to eliminate frozen mango as a covered commodity under the Order.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has determined that several provisions of the Order (7 CFR part 1206) are not favored by persons voting in a referendum conducted pursuant to the Act. USDA has determined that this rule is consistent with and will effectuate the purposes of the 1996 Act. Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This action removes provisions referencing frozen mangos as a covered commodity under the Order, thereby relieving importers and foreign processors of frozen mangos from the burden to remit assessments and to complete information collection requirements; (2) the termination of frozen mangos as a commodity covered by the Order was favored by 49 percent of mango first handlers and importers voting in the referendum; (3) of those representing frozen mangos, 83 percent voted to eliminate frozen mangos as a covered commodity under the Order; and (4) this interim rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 1206

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Mango promotion, Reporting and recording requirements.

For the reasons set forth in the preamble, 7 CFR part 1206 is amended as follows:

PART 1206—MANGO RESEARCH, PROMOTION, AND INFORMATION ORDER

■ 1. The authority citation for 7 CFR part 1206 continues to read as follows:

Authority: 7 U.S.C. 7411–7425 and 7 U.S.C. 7401.

■ 2. Revise § 1206.6 to read as follows:

§ 1206.6 First handler.

First handler means any person (excluding a common or contract carrier) receiving 500,000 or more pounds of mangos from producers in a calendar year and who as owner, agent, or otherwise ships or causes mangos to be shipped as specified in this Order. This definition includes those engaged in the business of buying, selling and/or offering for sale; receiving; packing; grading; marketing; or distributing mangos in commercial quantities. The term first handler includes a producer who handles or markets mangos of the producer's own production.

■ 3. Revise § 1206.8 to read as follows:

§ 1206.8 Foreign producer.

Foreign producer means any person:

(a) Who is engaged in the production and sales of mangos outside of the United States who owns, or shares the ownership and risk of loss of the crop for sale in the U.S. market; or

(b) Who is engaged, outside of the United States, in the business of producing, or causing to be produced, mangos beyond the person's own family use and having value at first point of sale.

■ 4. Revise § 1206.9 to read as follows:

§ 1206.9 Importer.

Importer means any person importing 500,000 or more pounds of mangos into the United States in a calendar year as a principal or as an agent, broker, or consignee of any person who produces or handles mangos outside of the United States for sale in the United States, and who is listed as the importer of record for such mangos.

■ 5. Revise § 1206.11 to read as follows:

§ 1206.11 Mangos.

Mangos means all fresh fruit of *Mangifera indica L.* of the family *Anacardiaceae.*

■ 6. In § 1206.30, revise paragraphs (a) and (b) to read as follows:

§ 1206.30 Establishment and membership.

(a) *Establishment of the National Mango Board.* There is hereby established a National Mango Board composed of eight importers; one first handler; two domestic producers; and

seven foreign producers. First handler Board members must receive 500,000 pounds or more mangos annually from producers, and importer Board members must import 500,000 pounds or more mangos annually. The chairperson shall reside in the United States and the Board office shall also be located in the United States.

(b) *Importer districts.* Board seats for importers of mangos shall be allocated based on the volume of mangos imported into the Customs Districts identified by their name and Code Number as defined in the Harmonized Tariff Schedule of the United States. Two seats shall be allocated for District I, three seats for District II, two seats for District III, and one seat for District IV.

(1) *District I* includes the Customs Districts of Portland, ME (01), St. Albans, VT (02), Boston, MA (04), Providence, RI (05), Ogdensburg, NY (07), Buffalo, NY (09), New York City, NY (10), Philadelphia, PA (11), Baltimore, MD (13), Norfolk, VA (14), Charlotte, NC (15), Charleston, SC (16), Savannah, GA (17), Tampa, FL (18), San Juan, PR (49), Virgin Islands of the United States (51), Miami, FL (52) and Washington, DC (54).

(2) *District II* includes the Customs Districts of Mobile, AL (19), New Orleans, LA (20), Port Arthur, TX (21), Laredo, TX (23), Minneapolis, MN (35), Duluth, MN (36), Milwaukee, WI (37), Detroit, MI (38), Chicago, IL (39), Cleveland, OH (41), St. Louis, MO (45), Houston, TX (53), and Dallas-Fort Worth, TX (55).

(3) *District III* includes the Customs Districts of El Paso, TX (24), Nogales, AZ (26), Great Falls, MT (33), and Pembina, ND (34).

(4) *District IV* includes the Customs Districts of San Diego, CA (25), Los Angeles, CA (27), San Francisco, CA (28), Columbia-Snake, OR (29), Seattle, WA (30), Anchorage, AK (31), and Honolulu, HI (32).

* * * * *

■ 7. Amend § 1206.31 by:

■ a. revising paragraph (e),

■ b. removing paragraphs ((h) through (j), and

■ c. redesignating paragraph (k) as paragraph (h).

The revision reads as follows:

§ 1206.31 Nominations and appointments.

* * * * *

(e) Nominees to fill the mango importer positions on the Board shall be solicited from all known importers of mangos. The members from each district shall select the nominees for two positions on the Board. Two nominees shall be submitted for each position. The nominees shall be placed on a ballot which will be sent to mango importers in the districts for a vote. For each position, the nominee receiving the highest number of votes and the nominee receiving the second highest number of votes shall be submitted to the Department as the importers' first and second choice nominees.

* * * * *

■ 8. Revise § 1206.32 to read as follows:

§ 1206.32 Term of office.

The term of office for first handler, importer, domestic producer, and foreign producer members of the Board will be three years. Members may serve a maximum of two consecutive three-year terms. Each term of office will end on December 31, with new terms of office beginning on January 1.

■ 9. In § 1206.34, revise paragraph (a) to read as follows:

§ 1206.34 Procedure.

(a) At a Board meeting, it will be considered a quorum when at least ten voting members are present.

* * * * *

■ 10. In § § 1206.42, revise paragraphs (b), (c), and (d) to read as follows:

§ 1206.42 Assessments.

* * * * *

(b) *Assessment rate.* The assessment rate on mangos shall be three quarters of a cent ($0.0075) per pound (or $0.0165 per kg). The assessment rates will be reviewed periodically and may be modified by the Board with the approval of the Department.

(c) *Domestic mangos.* First handlers of domestic mangos are required to pay assessments on all mangos handled for the U.S. market. This includes mangos of the first handler's own production.

(d) *Imported mangos.* Each importer of mangos shall pay an assessment to the Board through Customs on mangos imported for marketing in the United States.

(1) The import assessment shall be uniformly applied to imported mangos that are identified by the numbers in the 0804.50.4045, 0804.50.4055, 0804.50.6045, and 0804.50.6055 Harmonized Tariff Schedule (HTS) of the United States and shall be the same or equivalent to the rate of mangos produced in the United States.

(2) In the event that any HTS number subject to assessment is changed and such change is merely a replacement of a previous number and has no impact on the description of mangos, assessments will continue to be collected based on the new numbers.

(3) The assessments due on imported mangos shall be paid when they enter or are withdrawn for consumption in the United States.

* * * * *

■ 11. In § 1206.43, revise paragraphs (a) and (b) to read as follows:

§ 1206.43 Exemptions.

(a) Any first handler or importer of less than 500,000 pounds of mangos per calendar year may claim an exemption from the assessments required under § 1206.42. First handlers of mangos produced domestically and first handlers who export mangos from the United States may annually claim an exemption from the assessments required under § 1206.42.

(b) A first handler or importer desiring an exemption shall apply to the Board, on a form provided by the Board, for a certificate of exemption. A first handler must certify that it will receive less than 500,000 pounds of domestic mangos during the fiscal period for which the exemption is claimed. An importer must certify that it will import less than 500,000 pounds of mangos for the fiscal period for which the exemption is claimed.

* * * * *

■ 12. In § 1206.101, revise paragraphs (c), (d), and (e) to read as follows:

§ 1206.101 Definitions.

* * * * *

(c) *Eligible first handler* means any person, (excluding a common or contract carrier), receiving 500,000 or more pounds of mangos from producers in a calendar year and who as owner, agent, or otherwise ships or causes mangos to be shipped as specified in this Order. This definition includes those engaged in the business of buying, selling and/or offering for sale; receiving; packing; grading; marketing; or distributing mangos in commercial quantities. The term first handler includes a producer who handles or markets mangos of the producer's own production.

(d) *Eligible importer* means any person importing 500,000 or more pounds of mangos into the United States in a calendar year as a principal or as an agent, broker, or consignee of any person who produces or handles mangos outside of the United States for sale in the United States, and who is listed as the importer of record for such mangos that are identified in the Harmonized Tariff Schedule of the United States by the numbers 0804.50.4045, 0804.50.4055, 0804.50.6045, and 0804.50.6055 during the representative period. Importation occurs when mangos originating outside of the United States are released from

custody by the U.S. Customs and Border Protection and introduced into the stream of commerce in the United States. Included are persons who hold title to foreign-produced mangos immediately upon release by the U.S. Customs and Border Protection, as well as any persons who act on behalf of others, as agents or brokers, to secure the release of mangos from the U.S. Customs and Border Protection when such mangos are entered or withdrawn for consumption in the United States.

(e) *Mangos* means all fresh fruit of *Mangifera indica L.* of the family *Anacardiaceae.*

* * * * *

■ 13. Revise § 1206.108 to read as follows:

§ 1206.108 OMB control number.

The control number assigned to the information collection requirement in this subpart by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, is OMB control number 0581–0093.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2021–03403 Filed 2–23–21; 8:45 am]

BILLING CODE 3410–02–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 745

RIN 3133–AF11

Joint Ownership Share Accounts

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The NCUA Board (Board) is amending its share insurance regulation governing the requirements for a share account to be separately insured as a joint account by the National Credit Union Share Insurance Fund (NCUSIF). Specifically, the final rule provides an alternative method to satisfy the membership card or account signature card requirement necessary for insurance coverage (signature card requirement). Under the final rule, even if an insured credit union cannot produce membership cards or account signature cards signed by the joint accountholders, the signature card requirement can be satisfied by information contained in the account records of the insured credit union establishing co-ownership of the share account. For example, the signature card requirement can be satisfied by the credit union having issued a mechanism for accessing the account, such as a debit card, to each co-owner or evidence of usage of the joint share account by each co-owner.

DATES: The final rule is effective March 26, 2021.

FOR FURTHER INFORMATION CONTACT: Thomas I. Zells, Staff Attorney, Office of General Counsel, at 1775 Duke Street, Alexandria, VA 22314 or telephone: (703) 548–2478.

SUPPLEMENTARY INFORMATION:

I. Introduction
II. Final Rule
III. Legal Authority
IV. Discussion of Public Comments Received on the Proposed Rule
V. Regulatory Procedures

I. Introduction

A. Background

In May 2020, the Board approved a notice of proposed rulemaking [1] (proposal or proposed rule) that amended the NCUA's share insurance regulation governing the requirements for a share account to be insured separately as a joint account. [2] Specifically, the proposal addressed the requirement for separate joint account insurance that each co-owner of a joint account has personally signed a membership card or account signature card. In the event a federally insured credit union (FICU) could not produce from its records such membership cards or account signature cards, the proposal explicitly permitted the use of other evidence contained in a FICU's account records to satisfy the signature card requirement.

The proposed amendment mirrors a change made by the Federal Deposit Insurance Corporation (FDIC) in 2019 for federally insured depository institutions.[3] In proposing the change, the Board intended to better facilitate the prompt payment of share insurance in the event of a FICU's failure by explicitly providing alternative methods that the NCUA could use to determine the owners of joint accounts, consistent with the NCUA's statutory authority. The Board emphasizes that this change was not proposed, and is not being finalized, in reaction to any observed current problem with respect to identifying qualifying joint accounts at credit unions and processing insurance payments timely. Rather, the Board issued the proposed rule because it is important to maintain parity between the nation's two Federal deposit/share insurance programs and to provide credit union members with equal access to insurance coverage. The Board proposed these regulatory changes with the belief that they will promote further confidence in the credit union system and embody a forward-looking approach that will explicitly permit the use of new and innovative technologies and processes to meet the NCUA's policy objectives.

Under the Federal Credit Union Act (FCU Act), the NCUA is responsible for paying share insurance to any member, or to any person with funds lawfully held in a member account, in the event of a FICU's failure up to the standard maximum share insurance amount (SMSIA), which is currently set at $250,000.[4] The FCU Act states that the determination of the net amount of share insurance paid ''shall be in accordance with such regulations as the Board may prescribe'' and requires that, ''in determining the amount payable to any member, there shall be added together all accounts in the credit union maintained by that member for that member's own benefit, either in the member's own name or in the names of others.'' [5] However, the FCU Act also specifically authorizes the Board to ''define, with such classifications and exceptions as it may prescribe, the extent of the share insurance coverage provided for member accounts, including member accounts in the name of a minor, in trust, or in joint tenancy.'' [6]

The NCUA has implemented these requirements by issuing regulations recognizing particular categories of accounts, such as single ownership accounts and joint ownership accounts.[7] If an account meets the requirements for a particular category, the account is insured up to the $250,000 limit separately from shares held by the member in a different account category at the same FICU. For example, provided all requirements are met, shares in the single ownership category will be separately insured from shares in the joint ownership category held by the same member at the same FICU.

Section 745.8 of the NCUA's regulations governs insurance coverage for joint ownership accounts.[8] Joint ownership accounts include share accounts held pursuant to various forms of co-ownership under state law. For example, joint tenants could each hold an equal, undivided interest in a share

[1] 85 FR 34545 (June 6, 2020).
[2] 12 CFR 745.8.
[3] 84 FR 35022 (July 22, 2019).
[4] 12 U.S.C. 1787(k)(1)(A), (6).
[5] 12 U.S.C. 1787(k)(1)(B).
[6] 12 U.S.C. 1787(k)(1)(C).
[7] 12 CFR part 745.
[8] 12 CFR 745.8.

account. Section 745.8 provides that only ''qualifying joint accounts'' are insured separately from individually owned share accounts maintained by the co-owners.[9] ''Qualifying joint accounts'' generally must satisfy two requirements: (1) Each co-owner has personally signed a membership card or account signature card; and (2) each co-owner possesses withdrawal rights on the same basis.[10] If a joint account is not a qualifying joint account, each co-owner's actual ownership interest in the account is considered individually owned and added to any other accounts individually owned by the co-owner and insured up to the SMSIA in the aggregate.[11] This may result in some uninsured shares if a member's single ownership accounts at the same FICU, including shares in any non-qualifying joint accounts, exceed $250,000. Additionally, it is worth reiterating that, with limited exceptions, the FCU Act generally limits NCUA share insurance coverage to ''member accounts.'' [12] Despite this general limitation, the FCU Act [13] and the NCUA's regulations [14] do allow a nonmember to become a joint owner with a member on a joint account with right of survivorship. The regulations provide that a nonmember's interest in such accounts will be insured in the same manner as the member joint-owner's interest.

The signature requirement has been included in the regulation governing insurance coverage since its inception in 1971.[15] The FDIC has had a substantially similar signature requirement since 1967.[16] In originally adopting this requirement, the FDIC ''intended to address practices such as the addition of nominal co-owners to an account solely to increase deposit insurance coverage.'' [17] The NCUA thereafter adopted a substantially similar requirement [18] and views it as a reliable indicator of account ownership and important to ensuring consistency with the FCU Act, which expressly limits the net amount of share insurance payable to any member, or person with funds lawfully held in a member account, based on the member account classifications prescribed by the Board.[19]

Neither the FCU Act nor the NCUA's regulations define the terms ''membership card'' or ''account signature card.'' In implementing § 745.8, the NCUA has not required any particular format for a membership card or account signature card. Therefore, the agency has previously permitted FICUs to satisfy the requirement through various forms of documentation used in their account opening processes. The Board also wishes to reiterate that, consistent with the Electronic Signatures in Global and National Commerce Act (E-Sign Act),[20] the signature requirement may be satisfied electronically. This has been the NCUA's long-standing position.

B. Summary of Proposed Rule

The May 2020 proposed rule amended § 745.8 to explicitly provide for an alternative method to satisfy the signature card requirement. The proposed rule specifically allowed the signature card requirement to be satisfied by information contained in the account records of the FICU establishing the co-ownership of the share account, such as evidence that the FICU has issued a mechanism for accessing the account to each co-owner or evidence of usage of the share account by each co-owner. For example, under the proposal, the requirement could be satisfied by evidence that a FICU has issued a debit card to each co-owner of the account or evidence that each co-owner of the account has conducted transactions using the share account. These examples, however, were not intended to define the only forms of evidence of co-ownership that could satisfy the signature requirement. To the contrary, the evidence found in a FICU's account records could take many other forms.

The proposed amendment mirrors a change made by the FDIC in 2019 for federally insured depository institutions.[21] As noted in the proposal, the Board believes that the change would better facilitate the prompt payment of share insurance in the event of a FICU's failure by explicitly providing alternative methods that the NCUA could use to determine the owners of joint accounts, consistent with the NCUA's statutory authority. In the proposal, the Board emphasized that this proposed change was not in reaction to any observed current problem with respect to identifying qualifying joint accounts at FICUs and processing insurance payments timely. Rather, the Board issued the proposed rule because it is important to maintain parity between the nation's two Federal deposit/share insurance programs and to provide credit union members with equal access to insurance coverage. The Board proposed these regulatory changes with the belief that they will promote further confidence in the credit union system and embody a forward-looking approach that will explicitly permit the use of new and innovative technologies and processes to meet the NCUA's policy objectives.

The proposed rule emphasized that the change would not introduce any new requirements for an account to be insured as a joint account, and would not reduce or affect insurance coverage for any account for which the existing joint account requirements are satisfied. The proposed rule simply would provide an alternative method to satisfy the existing signature card requirement for share insurance coverage as a qualifying joint account. Under the proposal, if each co-owner of a joint account signs, or has previously signed, a membership card or account signature card in accordance with the existing requirement and the FICU can produce it, then the proposed alternative method would be unnecessary. Assuming that the remaining qualifying joint account requirement is satisfied—that is, both co-owners possess equal withdrawal rights—and all other membership requirements are met,[22] the account would be insured as a joint account. The proposal noted that the change would apply to all FICUs and would not impose any increased burden or new recordkeeping requirements for joint accounts.

In the proposal, the Board also detailed the non-quantifiable benefits to owners of joint accounts. By explicitly providing alternative methods that the NCUA could use to determine the owners of joint accounts, the proposed rule would further support a prompt share insurance determination in the event of a FICU's failure, alleviating delays in the recognition of account ownership and uncertainty regarding the extent of share insurance coverage.

[9] *Id.*

[10] 12 CFR 745.8(c).

[11] 12 CFR 745.8(d).

[12] 12 U.S.C. 1752(5).

[13] 12 U.S.C. 1759(a).

[14] 12 CFR 745.8(e).

[15] 36 FR 2477 (Feb. 5, 1971).

[16] *See* 32 FR 10408, 10409 (July 14, 1967).

[17] 84 FR 35022, 35023 (July 22, 2019).

[18] The FCU Act generally requires that the NCUA determine ''the net amount of share insurance payable . . . in accordance with this paragraph, and *consistently with actions taken by the Federal Deposit Insurance Corporation* under section 1821(a) of this title.'' 12 U.S.C. 1787(k)(1)(A) (emphasis added).

[19] 12 U.S.C. 1787(k)(1).

[20] Public Law 106–229, codified at 15 U.S.C. 7001(a).

[21] 84 FR 35022 (July 22, 2019).

[22] With limited exceptions, the FCU Act generally limits NCUA share insurance coverage to ''member accounts.'' 12 U.S.C. 1752(5). Despite this general limitation, the FCU Act and the NCUA's regulations do allow a nonmember to become a joint owner with a member on a joint account with right of survivorship. 12 U.S.C. 1759(a). The regulations provide that a nonmember's interest in such accounts will be insured in the same manner as the member joint owner's interest. 12 CFR 745.8(e).

The Board concluded that these benefits would promote confidence in the credit union system and NCUA-insured shares.

II. Final Rule

This final rule follows publication of the May 2020 proposed rule. After carefully considering the comments and conducting further analysis, the Board affirms its rationale for issuing the proposal and is adopting the final rule as proposed, with one clarifying change. Specifically, the Board is using alternative language to better convey that the examples of evidence of co-ownership in the proposed regulatory text do not define the only form of evidence that could satisfy the signature requirement. Pursuant to a suggestion from a commenter, the final rule revises proposed § 745.8(c)(2) by replacing ''such as'' with the phrase ''including, but not limited to,'' before the word ''evidence.'' Section 745.8(c)(2) will now state that the signature card requirement may be satisfied by information contained in the account records of the federally insured credit union establishing co-ownership of the share account, ''including, but not limited to,'' evidence that the institution has issued a mechanism for accessing the account to each co-owner or evidence of usage of the share account by each co-owner. The Board finds that the phrase suggested by the commenter carries the same meaning as wording in the proposed rule and may eliminate any ambiguity that evidence in the account records other than the examples provided may be sufficient to establish joint ownership of a share account.

The Board also wishes to emphasize several key points made in the proposed rule and further discussed in response to comments received on the proposed rule.

First, the Board strongly emphasizes that this final rule only affects a requirement in the NCUA's regulations that must be satisfied for a share account to be separately insured as a joint account; it does not affect any other legal requirements applicable to FICUs. FICUs may, and likely will, for legal or other reasons, find it appropriate or necessary to continue collecting customers' signatures.[23] The changes made by this final rule do not modify or affect any state law requirements generally applicable to FICUs, including those that necessitate the collection and maintenance of customers' signatures.

Second, this final rule also does not affect the general principles contained in § 745.2 of the NCUA's share insurance regulations applicable in determining insurance of accounts.[24] These general principles applicable in determining insurance of accounts continue to apply to all share accounts, including joint ownership accounts.

Finally, the Board believes it is important to reiterate that the final rule does not introduce any new requirements for an account to be insured as a joint account, and would not reduce or affect insurance coverage for any account for which the existing joint account requirements are satisfied. The final rule simply provides an alternative method to satisfy the existing signature card requirement for share insurance purposes. If each co-owner of a joint account signs, or has previously signed, a membership card or account signature card in accordance with the existing requirement and the FICU can produce it, then the alternative method would be unnecessary. Assuming that the remaining qualifying joint account requirement is satisfied—that is, both co-owners possess equal withdrawal rights—and all other membership requirements are met,[25] the account would be insured as a joint account. The final rule applies to all FICUs and does not impose any increased burden or new recordkeeping requirements for joint accounts.

III. Legal Authority

The Board has issued this final rule pursuant to its authority under the FCU Act. Under the FCU Act, the NCUA is the chartering and supervisory authority for FCUs and the Federal supervisory authority for FICUs.[26] The FCU Act grants the NCUA a broad mandate to issue regulations governing both FCUs and FICUs. Section 120 of the FCU Act is a general grant of regulatory authority and authorizes the Board to prescribe rules and regulations for the administration of the FCU Act.[27] Section 207 of the FCU Act is a specific grant of authority over share insurance coverage, conservatorships, and liquidations.[28] Section 209 of the FCU Act is a plenary grant of regulatory authority to the NCUA to issue rules and regulations necessary or appropriate to carry out its role as share insurer for all FICUs.[29] Accordingly, the FCU Act grants the Board broad rulemaking authority to ensure that the credit union industry and the NCUSIF remain safe and sound.

IV. Discussion of Public Comments Received on the Proposed Rule

A. The Public Comments, Generally

The NCUA received 11 comments on the proposed rule. All 11 commenters noted their support for the proposed rule. Rationale commenters offered for supporting the rule included: A belief that the proposed rule would provide increased flexibility and would maximize the opportunity for legitimate joint account holders to receive the proper share insurance coverage; recognition that the proposed rule would facilitate the prompt payment of share insurance in the event of a FICU's failure; and agreement with the proposed rule's assertion that ''it is important to maintain parity between the nation's two Federal deposit/share insurance programs and to provide credit union members with equal access to insurance coverage.'' Several commenters also emphasized that the proposed change is especially important given the challenges posed by COVID–19 and the resulting economic uncertainty.

While all 11 commenters supported the proposed rule, commenters did provide a number of suggestions for improving the rule. As discussed more thoroughly below, suggestions for improvement focused on two areas: (1) The type of evidence the NCUA could look to for evidence of co-ownership that would fulfill the signature card requirement; and (2) clarifications regarding the applicability of state law. The NCUA also received comments noting appreciation for the NCUA's longstanding position that the signature requirement may be satisfied electronically, consistent with the E–SIGN Act. Additionally, the NCUA received one comment addressing co-owned revocable trust accounts. Co-owned revocable trust accounts are outside the scope of this rulemaking.

[23] *See, e.g.,* 12 CFR part 701, appendix A, and corresponding state law requirements for federally insured, state-chartered credit unions.

[24] 12 CFR 745.2.

[25] With limited exceptions, the FCU Act generally limits NCUA share insurance coverage to ''member accounts.'' 12 U.S.C. 1752(5). Despite this general limitation, the FCU Act and the NCUA's regulations do allow a nonmember to become a joint owner with a member on a joint account with right of survivorship. 12 U.S.C. 1759(a). The regulations provide that a nonmember's interest in such accounts will be insured in the same manner as the member joint owner's interest. 12 CFR 745.8(e).

[26] 12 U.S.C. 1752–1775.

[27] 12 U.S.C. 1766(a).

[28] 12 U.S.C. 1787(b)(1).

[29] 12 U.S.C. 1789(a)(11).

B. Discussion of Specific Comments on the Proposed Rule

1. Examples of Evidence of Joint Account Ownership

Several commenters asked the NCUA to consider including additional examples of account information that may be used as evidence of co-ownership. One of the commenters suggested two additional possible examples: (1) Use of the account via a mobile banking application or online access platform; and (2) a co-owner having agreed to receive electronic statements via their email address. Another of these commenters asked the NCUA to promptly provide additional examples because, while they appreciate the agency not limiting the scope, they felt it would be helpful to provide examples of what information can be used as new technologies are developed and utilized by credit unions.

In asking the NCUA to consider adding additional examples to the text of the regulation or its ''Official Staff Commentary,'' one commenter suggested that the examples need to more concretely describe the types of evidence that may be used. The commenter expressed concern that the evidence described in the rule itself is somewhat vague and that the examples in the proposed rule's preamble may be confusing. The commenter said that, for example, the fact that an account holder has a debit card issued for another person's use (*e.g.,* a parent supplying a card for their child to use) does not establish that the other person is actually a co-owner of the account. The commenter noted that the other party would simply be authorized to access the account, but would not own the funds nor qualify for joint share insurance coverage. Related to this example, the commenter acknowledged that § 745.8(c)(1) states that ''the signature requirement does not apply to . . . any accounts maintained by an agent,'' but felt that this may not be explicit enough to avoid confusion.

The Board disagrees that additional or more concrete examples would be beneficial or are necessary because, contrary to the commenters' intentions, they could be viewed as limiting flexibility. The examples provided in the proposed rule, and adopted in the final rule, are neither intended to be all-inclusive nor dispositive. Instead, they are merely intended to illustrate the types of evidence the NCUA may consider when determining whether an account is co-owned and the signature card requirement in place for coverage as a qualifying joint account satisfied. The change is intended to provide the NCUA with the maximum flexibility possible to evaluate a FICU's account records and properly determine if an account is co-owned. When it is necessary for the NCUA to evaluate alternative evidence to determine if an account is co-owned, the NCUA will holistically evaluate all of the information in a FICU's account records that properly aid it in making this determination. In other words, the NCUA will not look at evidence, like the issuance of a debit card to a minor, as de facto evidence of co-ownership, but will use such evidence to help it accurately determine the actual account ownership.

Relatedly, one commenter suggested revising the text of proposed § 745.8(c)(2) to better reflect the proposed rule's intention, as noted in the preamble, that the examples of evidence of co-ownership were not intended ''to define the only form of evidence'' [30] that would satisfy the signature requirement. The commenter suggested that, to minimize the opportunity for confusion in the future, the NCUA consider modifying proposed § 745.8(c)(2) by replacing ''such as'' with the phrase ''including, but not limited to,'' before the word ''evidence.'' The commenter reasoned that this would make clear on the face of the regulation that other evidence in the account records may be sufficient to establish qualifying joint ownership of a share account. As discussed in section II of this preamble, the Board agrees that this language would help to eliminate ambiguity and reflects the intent of the proposed rule. Accordingly, the Board has adopted it in the final rule. Section 745.8(c)(2) will now state that the signature card requirement may be satisfied by information contained in the account records of the federally insured credit union establishing co-ownership of the share account, ''including, but not limited to,'' evidence that the institution has issued a mechanism for accessing the account to each co-owner or evidence of usage of the share account by each co-owner.

2. Applicability of State Law

One commenter provided a detailed comment asking the NCUA to add language to the regulation or its ''Official Staff Commentary'' clearly stating that the proposed change only addresses the evidence that the NCUA may accept to treat an account as joint for share insurance coverage purposes, with no bearing on the legality or enforceability of an account that lacks joint account holders' signatures on an account agreement. The Board addressed this issue in the preamble to the proposed rule [31] and again reiterates now that the alternative method for satisfying the signature card requirement adopted in this final rule is only relevant for purposes of determining share insurance coverage. The final rule has no bearing on any other legal requirement that FICUs are subject to, including all applicable state laws. The final rule does not eliminate the need for FICUs to obtain signatures when opening an account, it merely allows the NCUA to use alternative evidence in a FICU's account records to find the signature card requirement for coverage as a qualifying joint account satisfied even if signed membership or account signature cards are absent from a liquidated FICU's records.

In addressing this issue, the commenter acknowledged that the preamble to the proposed rule speaks to this issue,[32] but felt it critical that FICUs understand that the proposed rule: (1) Would only impact share insurance coverage; and (2) would not eliminate any requirement under state law or contracts common law related to the need for joint account holders to sign account agreements. The commenter correctly emphasized that the proposed change would not open the door for FICUs to establish accounts without proper, signed agreements in place among all account holders.

The commenter noted that signatures are statutorily required in their state to create a joint account and that, even absent a statutory requirement, the common law calls for contracts to be signed. The commenter stated that without the signatures of all joint account holders to a contract or account agreement, credit unions lack a legal basis for enforcing the account's terms against those account holders. The commenter emphasized that the lack of a legally enforceable, signed joint account agreement could lead to credit unions being caught in the middle of potential disputes among parties and their heirs when one or more account holders die.

While the Board again reiterates the alternative method for satisfying the signature card requirement adopted in

[30] 85 FR 34454, 34546 (June 5, 2020).

[31] ''The proposed rule only would affect a requirement in the NCUA's regulations that must be satisfied for a share account to be separately insured as a joint account; it would not affect any other legal requirements applicable to FICUs. FICUs may, *for legal or other reasons, find it appropriate or necessary to continue collecting customers' signatures.* The changes made by the proposed rule would not modify or affect any state law requirements generally applicable to FICUs.'' 85 FR 34454, 34546–47 (June 5, 2020) (emphasis added).

[32] *Id.*

this final rule is only relevant for purposes of determining share insurance coverage, it declines to add additional language to the text of the regulation explicitly stating that credit unions are still subject to other applicable legal requirements. The Board appreciates the commenter's concern, but does not believe it appropriate or necessary to include such language. The Board believes it is clear in the text of the regulation that the alternative method is only relevant for evaluating whether the signature card requirement is satisfied for purposes of determining proper share insurance coverage. Further, the Board thinks it inappropriate to explicitly state in a regulation that the regulation does not preempt other applicable law or apply to subjects outside the scope of the regulation when there is no indication the provision intends to preempt other laws or apply in other contexts. Inclusion of such language would only increase confusion and raise doubts about provisions that do not contain similar language.

VI. Regulatory Procedures

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that, in connection with a final rule, an agency prepare a final regulatory flexibility analysis that describes the impact of a rule on small entities. A regulatory flexibility analysis is not required, however, if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (defined for purposes of the RFA to include FICUs with assets less than $100 million) and publishes its certification and a short, explanatory statement in the **Federal Register** together with the rule. The final rule explicitly allows the NCUA to look to information contained in the account records of a FICU in order to satisfy the signature card requirement at the time of a FICU's failure. As a result, it will not cause any increased burden on FICUs and will not have an impact on small credit unions. Accordingly, the NCUA certifies that the final rule will not have a significant economic impact on a substantial number of small credit unions.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency creates new or amends existing information collection requirements.[33] For the purpose of the PRA, an information collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The final rule does not contain information collection requirements that require approval by OMB under the PRA.[34] The final rule will merely allow the NCUA to look to information contained in the account records of a FICU in order to satisfy the signature card requirement at the time of a FICU's failure.

C. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, the NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the Executive order. This rulemaking will not have a substantial direct effect on the states, on the connection between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government. The NCUA has determined that this final rule does not constitute a policy that has federalism implications for purposes of the Executive order.

D. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this final rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999.[35]

E. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) generally provides for congressional review of agency rules. A reporting requirement is triggered in instances where the NCUA issues a final rule as defined by section 551 of the Administrative Procedure Act. An agency rule, in addition to being subject to congressional oversight, may also be subject to a delayed effective date if the rule is a ''major rule.'' The NCUA does not believe this rule is a ''major rule'' within the meaning of the relevant sections of SBREFA. As required by SBREFA, the NCUA will submit this final rule to the Office of Management and Budget for it to determine if the final rule is a ''major rule'' for purposes of SBREFA. The NCUA also will file appropriate reports with Congress and the Government Accountability Office so this rule may be reviewed.

[33] 44 U.S.C. 3507(d); 5 CFR part 1320.

[34] 44 U.S.C. Chap. 35.

[35] Public Law 105–277, 112 Stat. 2681 (1998).

List of Subjects in 12 CFR Part 745

Credit, Credit unions, Share insurance.

By the National Credit Union Administration Board on February 18, 2021.

Melane Conyers-Ausbrooks,

Secretary of the Board.

For the reasons discussed in the preamble, the Board amends 12 CFR part 745 as follows:

PART 745—SHARE INSURANCE AND APPENDIX

■ 1. The authority citation for part 745 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1757, 1765, 1766, 1781, 1782, 1787, 1789; title V, Pub. L. 109–351;120 Stat. 1966.

■ 2. Revise § 745.8(c) to read as follows:

§ 745.8 Joint ownership accounts

* * * * *

(c) *Qualifying joint accounts.* (1) A joint account is a qualifying joint account if each of the co-owners has personally signed a membership or account signature card and has a right of withdrawal on the same basis as the other co-owners. The signature requirement does not apply to share certificates, or to any accounts maintained by an agent, nominee, guardian, custodian or conservator on behalf of two or more persons if the records of the credit union properly reflect that the account is so maintained.

(2) The signature card requirement of paragraph (c)(1) of this section also may be satisfied by information contained in the account records of the federally insured credit union establishing co-ownership of the share account, including, but not limited to, evidence that the institution has issued a mechanism for accessing the account to each co-owner or evidence of usage of the share account by each co-owner.

* * * * *

[FR Doc. 2021–03671 Filed 2–23–21; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0972; Project Identifier MCAI–2020–01091–T; Amendment 39–21406; AD 2021–03–03]

RIN 2120–AA64

Airworthiness Directives; ATR–GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directives (AD) 2000–23–26, AD 2018–14–11, and AD 2019–13–04, which applied to ATR–GIE Avions de Transport Régional Model ATR72 airplanes. AD 2019–13–04 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance instructions and airworthiness limitations. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations; as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 31, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 31, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of August 26, 2019 (84 FR 35028, July 22, 2019).

ADDRESSES: For the EASA material identified in this AD that will be incorporated by reference (IBR), contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.*

For the ATR service information identified in this AD, contact ATR–GIE Avions de Transport Régional, 1 Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr-aircraft.com;* internet *https://www.atr-aircraft.com.*

You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0972.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0972; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0173, dated August 5, 2020 (EASA AD 2020–0173) (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all ATR–GIE Avions de Transport Régional Model ATR72 airplanes.

Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after December 12, 2019 must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2019–13–04, Amendment 39–19677 (84 FR 35028, July 22, 2019) (AD 2019–13–04). AD 2019–13–04 applied to certain ATR–GIE Avions de Transport Régional Model ATR72 airplanes. The NPRM published in the **Federal Register** on November 2, 2020 (85 FR 69272). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in an EASA AD.

The FAA is issuing this AD to address fatigue cracking and damage in principal structural elements, which could result in reduced structural integrity of the airplane. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Clarification of Affected Airplanes

The applicability of the proposed AD identified the affected airplanes as Model ATR72 airplanes. The FAA has revised the applicability of this AD to identify model designations as published in the most recent type certificate data sheet for the affected models. For ATR72 airplanes, the type certificate data sheet designations are as follows: Model ATR72–101, –102, –201, –202, –211, –212, and –212A airplanes.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule with the change described previously and minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

The FAA also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0173 describes new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD also requires ATR ATR72 Time Limits Document, Revision 16, dated January 30, 2018, which the Director of the Federal Register

approved for incorporation by reference as of August 26, 2019 (84 FR 35028, July 22, 2019).

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

Costs of Compliance

The FAA estimates that this AD affects 23 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2019–13–04 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. In the past, the agency has estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

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 (AD) 2000–23–26, Amendment 39–11999 (65 FR 70775, November 28, 2000); AD 2018–14–11, Amendment 39–19331 (83 FR 34031, July 19, 2018); and AD 2019–13–04, Amendment 39–19677 (84 FR 35028, July 22, 2019); and

■ b. Adding the following new AD:

2021–03–03 ATR–GIE Avions de Transport Régional: Amendment 39–21406; Docket No. FAA–2020–0972; Project Identifier MCAI–2020–01091–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 31, 2021.

(b) Affected ADs

(1) This AD replaces AD 2000–23–26, Amendment 39–11999 (65 FR 70775, November 28, 2000) (AD 2000–23–26).

(2) This AD replaces AD 2018–14–11, Amendment 39–19331 (83 FR 34031, July 19, 2018) (AD 2018–14–11).

(3) This AD replaces AD 2019–13–04, Amendment 39–19677 (84 FR 35028, July 22, 2019) (AD 2019–13–04).

(c) Applicability

This AD applies to ATR–GIE Avions de Transport Régional Model ATR72–101, –102, –201, –202, –211, –212, and –212A airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before December 12, 2019.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking and damage in principal structural elements, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Maintenance or Inspection Program Revision, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2019–13–04, with no changes. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before January 30, 2018: Within 90 days after August 26, 2019 (the effective date of AD 2019–13–04), revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in ATR ATR72 Time Limits Document, Revision 16, dated January 30, 2018. The initial compliance time for doing the tasks is at the time specified in ATR ATR72 Time Limits Document, Revision 16, dated January 30, 2018, or within 90 days after August 26, 2019, whichever occurs later, except as provided by paragraphs (h) and (i) of this AD.

(h) Retained Initial Compliance Times for Certain Tasks, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2019–13–04, with no changes. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before January 30, 2018: For accomplishing airworthiness limitations (AWL) and certification maintenance requirement (CMR)/maintenance significant item (MSI) tasks identified in figure 1 to paragraph (h) of this AD, the initial compliance time is at the applicable time specified in the airworthiness limitations section (ALS) of the ATR ATR72 Time Limits Document, Revision 16, dated January 30, 2018, or at the applicable compliance time in figure 1 to paragraph (h) of this AD, whichever occurs later.

Figure 1 to paragraph (h) – *Grace period for CMR/MSI tasks*

CMR/MSI Tasks	Compliance Time
213100-1 213100-2 213100-3	Within 550 flight hours or 3 months after August 23, 2018 (the effective date of AD 2018-14-11), whichever occurs first

(i) Retained Initial Compliance Time: One-Time Initial Threshold, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2019–13–04, with no changes. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before January 30, 2018: For CMR task 220000–5, a one-time initial threshold, as specified in ATR ATR72 Time Limits Document, Revision 16, dated January 30, 2018, is allowed as specified in figure 2 to paragraph (i) of this AD.

Figure 2 to paragraph (i) – *Initial threshold for CMR task*

Configuration	Compliance Time
ATR modification 7585 embodied in production	Within 7,000 flight hours since first flight of the airplane
ATR Service Bulletin ATR72-34-1154 embodied in service	Within 7,000 flight hours after embodiment of ATR Service Bulletin ATR72-34-1154

(j) Retained Restrictions on Alternative Actions and Intervals With a New Exception

This paragraph restates the requirements of paragraph (j) of AD 2019–13–04, with a new exception. Except as required by paragraph (k) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and intervals may be used unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (n)(1) of this AD.

(k) New Maintenance or Inspection Program Revision

Except as specified in paragraph (l) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0173, dated August 5, 2020 (EASA AD 2020–0173). Accomplishing the maintenance or inspection program revision required by this paragraph terminates the requirements of paragraph (g) of this AD.

(l) Exceptions to EASA AD 2020–0173

(1) Where EASA AD 2020–0173 refers to its effective date, this AD requires using the effective date of this AD.

(2) The requirements specified in paragraphs (1) and (3) of EASA AD 2020–0173 do not apply to this AD.

(3) Paragraph (4) of EASA AD 2020–0173 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, to incorporate the ''limitations, tasks and associated thresholds and intervals'' specified in paragraph (4) of EASA AD 2020–0173 within 90 days after the effective date of this AD.

(4) Except as provided by paragraph (2) of EASA AD 2020–0173, the initial compliance time for doing the tasks specified in paragraph (4) of EASA AD 2020–0173 is at the applicable ''associated thresholds'' specified in paragraph (4) of EASA AD 2020–0173, or within 90 days after the effective date of this AD, whichever occurs later.

(5) Where table 1 of EASA AD 2020–0173 specifies a compliance time of ''without exceeding the previous threshold and interval as specified in TLD [Time Limits Document] Revision 16'' for this AD use ''without exceeding the compliance times specified in paragraph (g) of this AD.''

(6) The provisions specified in paragraphs (5) and (6) of EASA AD 2020–0173 do not apply to this AD.

(7) The ''Remarks'' section of EASA AD 2020–0173 does not apply to this AD.

(m) New Provisions for Alternative Actions and Intervals

After the maintenance or inspection program has been revised as required by paragraph (k) of this AD, no alternative actions (*e.g.,* inspections) or intervals, are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2020–0173.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, 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 Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (o) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* 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.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or ATR–GIE Avions de Transport Régional's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(o) Related Information

For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@faa.gov.*

(p) 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 this AD specifies otherwise.

(3) The following service information was approved for IBR on March 31, 2021.

(i) European Union Aviation Safety Agency (EASA) AD 2020–0173, dated August 5, 2020.

(ii) [Reserved]

(4) The following service information was approved for IBR on August 26, 2019 (84 FR 35028, July 22, 2019).

(i) ATR ATR72 Time Limits Document, Revision 16, dated January 30, 2018.

(ii) [Reserved]

(5) For EASA AD 2020–0173, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(6) For ATR service information identified in this AD, contact ATR–GIE Avions de Transport Régional, 1 Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr-aircraft.com;* internet *https://www.atr-aircraft.com.*

(7) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0972.

(8) You may view this material 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 January 22, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03599 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1021; Project Identifier AD–2020–00847–T; Amendment 39–21412; AD 2021–03–09]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 727 series airplanes. This AD was prompted by a determination that excessive sealant coating on internal wing Structural Significant Items (SSIs) may not reveal cracks during inspections required by AD 98–11–03 R1. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate inspections that will give no less than the required damage tolerance rating (DTR) for certain SSIs of the wing. This AD also requires repetitive inspections for cracking of the affected SSIs and repair if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 31, 2021.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 31, 2021.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1021.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1021; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mohit Garg, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *mohit.garg@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 727 airplanes. The NPRM published in the **Federal Register** on November 27, 2020 (85 FR 75969). The NPRM was prompted by a determination that excessive sealant coating on internal wing SSIs may not reveal cracks during inspections required by AD 98–11–03 R1, Amendment 39–10983 (64 FR 989, January 7, 1999) (AD 98–11–03 R1). The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate inspections that will give no less than the required DTR for certain SSIs of the wing. The NPRM also proposed to require repetitive inspections for cracking of the affected SSIs and repair if necessary.

The FAA is issuing this AD to address excessive sealant coating on internal wing SSIs that may prevent the detection of cracks during inspections. This condition, if not addressed, could result in propagation of structural cracks that could lead to the inability of a wing SSI to sustain limit load and result in loss of control of the airplane.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA has considered the comment received. Boeing indicated its support for the NPRM.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

• Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and

• Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing 727 Supplemental Structural Inspection Document D6–48040–1, Volume I, Temporary Revision 08–1001, dated February 2020; and Boeing 727 Supplemental Structural Inspection Document D6–48040–1, Volume II, Temporary Revision 11–1001, dated February 2020. In combination, this service information describes repetitive inspections for cracking of internal wing SSIs. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 40 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. In the past, the FAA has estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

ESTIMATED COSTS *

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	48 work-hours × $85 per hour = $4,080 per inspection cycle.	$0	$4,080 per inspection cycle.	$163,200 per inspection cycle.

* Table does not include estimated costs for revising the existing maintenance or inspection program.

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

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 adding the following new airworthiness directive:

2021–03–09 The Boeing Company: Amendment 39–21412 ; Docket No. FAA–2020–1021; Project Identifier AD–2020–00847–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 31, 2021.

(b) Affected Airworthiness Directives (ADs)

This AD affects AD 98–11–03 R1, Amendment 39–10983 (64 FR 989, January 7, 1999) (AD 98–11–03 R1).

(c) Applicability

This AD applies to all The Boeing Company 727, 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by a determination that excessive sealant coating on internal wing Structural Significant Items (SSIs) may not reveal cracks during inspections required by AD 98–11–03 R1. The FAA is issuing this AD to address excessive sealant coating on internal wing SSIs that may prevent the detection of cracks during inspections. This condition, if not addressed, could result in propagation of structural cracks that could lead to the inability of a wing SSI to sustain limit load and result in loss of control of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision, Repetitive Inspections, and Repair

(1) Prior to reaching the applicable time specified in paragraph (g)(2)(i) or (ii) of this AD, incorporate a revision into the existing maintenance or inspection program, as applicable, that provides no less than the required damage tolerance rating (DTR) for each SSI of the wing listed in Boeing 727 Supplemental Structural Inspection Document D6–48040–1, Volume I, Temporary Revision 08–1001, dated February 2020; and Boeing 727 Supplemental

Structural Inspection Document D6–48040–1, Volume II, Temporary Revision 11–1001, dated February 2020.

(2) At the applicable time specified in paragraph (g)(2)(i) or (ii) of this AD, perform initial inspections to detect cracks in the SSIs identified in Boeing 727 Supplemental Structural Inspection Document D6–48040–1, Volume I, Temporary Revision 08–1001, dated February 2020; and Boeing 727 Supplemental Structural Inspection Document D6–48040–1, Volume II, Temporary Revision 11–1001, dated February 2020.

(i) For Model 727–100C and 727–200F series airplanes: Inspect prior to the accumulation of 46,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later.

(ii) For all airplanes except for those airplanes identified in paragraph (g)(2)(i) of this AD: Inspect prior to the accumulation of 55,000 total flight cycles, or within 3,000 flight cycles measured from the date 12 months after the effective date of this AD, whichever occurs later.

(3) At the intervals specified in in Boeing 727 Supplemental Structural Inspection Document D6–48040–1, Volume I, Temporary Revision 08–1001, dated February 2020; and Boeing 727 Supplemental Structural Inspection Document D6–48040–1, Volume II, Temporary Revision 11–1001, dated February 2020, as applicable, repeat the inspections required by paragraph (g)(2) of this AD.

(4) If any cracked structure is found during any inspections required by paragraph (g) of this AD, repair before further flight using an FAA-approved method or using a method approved in accordance with the procedures specified in paragraph (j) of this AD. Within 12 months after repair, incorporate a revision into the maintenance or inspection program, as applicable, to include a damage-tolerance-based alternative inspection program for the repaired structure. Thereafter, inspect the affected structure in accordance with the alternative program. The inspection method and compliance times (*i.e.,* threshold and repetitive intervals) of the alternative program must be approved in accordance with the procedures specified in paragraph (j) of this AD.

(h) No Alternative Actions or Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g)(1) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j) of this AD.

(i) Terminating Action for Certain Inspections Required by AD 98–11–03 R1

Accomplishing the revision required by paragraph (g)(1) of this AD and the initial inspections identified in Boeing 727 Supplemental Structural Inspection Document D6–48040–1, Volume I, Temporary Revision 08–1001, dated February 2020; and Boeing 727 Supplemental Structural Inspection Document D6–48040–1, Volume II, Temporary Revision 11–1001, dated February 2020, as required by paragraph (g)(2) of this AD, terminate the corresponding SSI inspections specified in Boeing Document No. D6–48040–1, Volumes 1 and 2, ''Supplemental Structural Inspection Document'' (SSID), Revision H, dated June 1994, as required by AD 98–11–03 R1.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(4) AMOCs approved previously for AD 98–11–03 R1 are approved as AMOCs for the corresponding provisions of this AD for the SSIs identified in Boeing 727 Supplemental Structural Inspection Document D6–48040–1, Volume I, Temporary Revision 08–1001, dated February 2020; and Boeing 727 Supplemental Structural Inspection Document D6–48040–1, Volume II, Temporary Revision 11–1001, dated February 2020.

(k) Related Information

For more information about this AD, contact Mohit Garg, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *mohit.garg@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Boeing 727 Supplemental Structural Inspection Document D6–48040–1, Volume I, Temporary Revision 08–1001, dated February 2020.

(ii) Boeing 727 Supplemental Structural Inspection Document D6–48040–1, Volume II, Temporary Revision 11–1001, dated February 2020.

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

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

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

Issued on January 28, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–03598 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0859; Product Identifier 2020–NM–084–AD; Amendment 39–21413; AD 2021–03–10]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–100–1A10 airplanes. This AD was prompted by reports of failure of a certain fire detection and extinguishing (FIREX) control unit. This AD requires replacing FIREX control units having a certain part number. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 31, 2021.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 31, 2021.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 200 Côte Vertu Road

West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com;* internet *https://www.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0859.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0859; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2020–12, dated April 17, 2020 (TCCA AD CF–2020–12) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Bombardier, Inc., Model BD–100–1A10 airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0859.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–100–1A10 airplanes. The NPRM published in the **Federal Register** on October 1, 2020 (85 FR 61881). The NPRM was prompted by reports of failure of a certain FIREX control unit. The NPRM proposed to require replacing FIREX control units having a certain part number. The FAA is issuing this AD to address the failure of a FIREX control unit, which could result in the loss of the ability to detect a fire. See the MCAI for additional background information.

Comment

The FAA gave the public the opportunity to participate in developing this final rule. The following presents the comment received on the NPRM and the FAA's response to that comment.

Request To Allow Records Review

NetJets requested that paragraph (i) of the proposed AD be revised to allow operators to review airplane maintenance records to determine the part number of the FIREX control unit installed on an airplane. The commenter stated that for the airplane having serial number (S/N) 20662 the logbook delivery document specifies that the –3 FIREX control unit is installed. The commenter explained that there is not a signoff sheet for Bombardier Service Bulletin 350–26–001, but that the serialized parts list clearly indicates that the –3 FIREX control unit is installed.

The FAA disagrees with the commenter's request because this AD does not mandate the method an operator must use to determine what FIREX control unit part number is installed on an airplane. As specified in paragraph (c) of this AD, this AD is only applicable to Bombardier, Inc., Model BD–100–1A10 airplanes fitted with FIREX control unit part number (P/N) 474112–2. If an operator is able to confirm that FIREX control unit P/N 474112–3 is installed on an airplane the requirements of this AD are not applicable to that airplane. This AD requires operators to remove FIREX P/N 474112–2 and install P/N 474112–3. The FAA has not changed this AD in regard to this issue.

Conclusion

The FAA reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletin 100–26–01, Revision 01, dated December 5, 2019; and Service Bulletin 350–26–001, Revision 01, dated December 5, 2019. This service information describes procedures for replacing FIREX control units having P/N 474112–2 with units having P/N 474112–3. These documents are distinct since they apply to different airplane configurations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 223 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$6,389	$6,474	$1,443,702

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators. The FAA does not control warranty coverage for affected operators. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

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 adding the following new airworthiness directive:

2021–03–10 Bombardier, Inc.: Amendment 39–21413; Docket No. FAA–2020–0859; Product Identifier 2020–NM–084–AD.

(a) Effective Date

This airworthiness directive (AD) is effective March 31, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, serial numbers 20003 through 20500 inclusive, and 20501 through 20669 inclusive, fitted with fire detection and extinguishing (FIREX) control unit part number (P/N) 474112–2.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire protection.

(e) Reason

This AD was prompted by reports of failure of a certain FIREX control unit. The FAA is issuing this AD to address failure of a FIREX control unit, which could result in the loss of the ability to detect a fire.

(f) Compliance

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

(g) Replacement

Within 24 months after the effective date of this AD: Replace any FIREX control unit having P/N 474112–2 with a unit having P/N 474112–3, in accordance with paragraphs 2.B.(1) and (3) of the Accomplishment Instructions of the applicable Bombardier service bulletin specified in paragraphs (g)(1) and (2) of this AD.

(1) For airplanes having serial numbers 20003 through 20500 inclusive: Bombardier Service Bulletin 100–26–01, Revision 01, dated December 5, 2019.

(2) For airplanes having serial numbers 20501 through 20669 inclusive: Bombardier Service Bulletin 350–26–001, Revision 01, dated December 5, 2019.

(h) Parts Installation Prohibition

As of the effective date of this AD, no person may install a FIREX control unit having P/N 474112–2 on any airplane.

(i) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 100–26–01, dated December 20, 2016; or Bombardier Service Bulletin 350–26–001, dated December 20, 2016, as applicable.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. 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.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2020–12, dated May 1, 2020, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0859.

(2) For more information about this AD, contact Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(l) 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 this AD specifies otherwise.

(i) Bombardier Service Bulletin 100–26–01, Revision 01, dated December 5, 2019.

(ii) Bombardier Service Bulletin 350–26–001, Revision 01, dated December 5, 2019.

(3) For service information identified in this AD, contact Bombardier, Inc., 200 Côte Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com;* internet *https://www.bombardier.com.*

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

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

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

(7) 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 January 28, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–03600 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0977; Project Identifier MCAI–2020–01106–T; Amendment 39–21415; AD 2021–03–12]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2019–03–27, which applied to all Dassault Aviation Model Falcon 10 airplanes. AD 2019–03–27 required repetitive detailed inspections of certain wing anti-ice outboard flexible hoses, and replacement of certain wing anti-ice outboard flexible hoses. This AD continues to require the actions in AD 2019–03–27, and also adds a new life limit for the improved wing anti-ice flexible hose; as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD was prompted by a report indicating that certain wing anti-ice outboard flexible hoses were found damaged, likely resulting from the installation process, and the development of an improved wing anti-ice flexible hose. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 31, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 31, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* internet: *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0977.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0977; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3226; email: *tom.rodriguez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0127, dated June 4, 2020 (EASA AD 2020–0127) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Dassault Aviation Model Falcon 10 airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2019–03–27, Amendment 39–19579 (84 FR 7801, March 5, 2019) (AD 2019–03–27). AD 2019–03–27 applied to all Dassault Aviation Model Falcon 10 airplanes. The NPRM published in the **Federal Register** on November 2, 2020 (85 FR 69269). The NPRM was prompted by a report indicating that certain wing anti-ice outboard flexible hoses were found damaged, likely resulting from the installation process, and the development of an improved wing anti-ice flexible hose. The NPRM proposed to continue to require the actions in AD 2019–03–27, as specified in an EASA AD. The NPRM also proposed to require adding a new life limit for the improved wing anti-ice flexible hose, as specified in EASA AD 2020–0127.

The FAA is issuing this AD to address damaged wing anti-ice outboard flexible hoses, which could lead to a loss of performance of the wing anti-ice protection system that is not annunciated to the pilot, and could result in reduced control of the airplane. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0127 describes procedures for repetitive detailed inspections of certain wing anti-ice outboard flexible hoses, replacement of certain wing anti-ice outboard flexible hoses, a new life limit for certain wing anti-ice outboard flexible hoses, and optional terminating actions for the repetitive inspections (replacement of all damaged affected wing anti-ice outboard flexible hoses or accomplishing and passing an inspection on an affected wing anti-ice outboard flexible hose after it has accumulated 100 flight cycles since installation on an airplane). This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 54 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2019-03-27	9 work-hours × $85 per hour = $765	$0	$765	$41,310
New proposed actions	9 work-hours × $85 per hour = $765	316	1,081	58,374

The FAA estimates the following costs to do any necessary on-condition replacements that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need these on-condition replacements:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
9 work-hours × $85 per hour = $765	$316	$1,081

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

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 (AD) 2019–03–27, Amendment 39–19579 (84 FR 7801, March 5, 2019), and

■ b. Adding the following new airworthiness directive:

2021–03–12 Dassault Aviation: Amendment 39–21415; Docket No. FAA–2020–0977; Project Identifier MCAI–2020–01106–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 31, 2021.

(b) Affected AD

This AD replaces AD 2019–03–27, Amendment 39–19579 (84 FR 7801, March 5, 2019) (AD 2019–03–27).

(c) Applicability

This AD applies to all Dassault Aviation Model Falcon 10 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 30, Ice and rain protection.

(e) Reason

This AD was prompted by a report indicating that certain wing anti-ice outboard flexible hoses were found damaged, likely resulting from the installation process, and the development of an improved wing anti-ice flexible hose. The FAA is issuing this AD to address damaged wing anti-ice outboard flexible hoses, which could lead to a loss of performance of the wing anti-ice protection system that is not annunciated to the pilot, and could result in reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0127, dated June 4, 2020 (EASA AD 2020–0127).

(h) Exceptions to EASA AD 2020–0127

(1) Where EASA AD 2020–0127 refers to February 25, 2019 (the effective date of EASA AD 2019–0040–E, dated February 21, 2019), this AD requires using March 8, 2019 (the effective date of AD 2019–03–27).

(2) Where EASA AD 2020–0127 refers to its effective date, this AD requires using the effective date of this AD.

(3) The ''Remarks'' section of EASA AD 2020–0127 does not apply to this AD.

(4) Where EASA AD 2020–0127 refers to paragraph (4) of EASA AD 2017–0108 for applicable life limits, for this AD refer to FAA AD 2016–19–07, Amendment 39–18656 (81 FR 63688, September 16, 2016).

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0127 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, 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 responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3226; email: *tom.rodriguez@faa.gov.*

(l) 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 this AD specifies otherwise.

(3) The following service information was approved for IBR on March 31, 2021.

(i) European Union Aviation Safety Agency (EASA) AD 2020–0127, dated June 4, 2020.

(ii) [Reserved]

(4) For EASA AD 2020–0127, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(5) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0977.

(6) You may view this material 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 January 28, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03601 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0371; Project Identifier AD–2019–00124–E; Amendment 39–21405; AD 2021–03–02]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain General Electric Company (GE) CF6–80C2A1, CF6–80C2A2, CF6–80C2A3, CF6–80C2A5, CF6–80C2A5F, CF6–80C2A8, CF6–80C2B1, CF6–80C2B1F, CF6–80C2B2, CF6–80C2B2F, CF6–80C2B4, CF6–80C2B4F, CF6–80C2B5F, CF6–80C2B6, CF6–80C2B6F, CF6–80C2B6FA, CF6–80C2B7F, CF6–80C2B8F, and CF6–80C2D1F model turbofan engines. This AD was prompted by reports of incidents that resulted in a significant fuel loss during flight and an in-flight shutdown (IFSD) of the engine. This AD requires initial and repetitive shim checks of the hydromechanical unit/main engine control (HMU/MEC) idler adapter on the accessory gearbox (AGB) assembly and, depending on the results of the shim check, possible replacement of the inserts on the HMU/MEC idler adapter. As a terminating action, this AD requires a protrusion check and a pull-out test, and the replacement of inserts on the HMU/MEC idler adapter that fail either test. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 31, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 31, 2021.

ADDRESSES: For service information identified in this final rule, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ge.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0371.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0371; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kevin M. Clark, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7088; fax: (781) 238–7199; email: *kevin.m.clark@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain GE CF6–80C2A1, CF6–80C2A2, CF6–80C2A3, CF6–80C2A5, CF6–80C2A5F, CF6–80C2A8, CF6–80C2B1, CF6–80C2B1F, CF6–80C2B2, CF6–80C2B2F, CF6–80C2B4, CF6–80C2B4F, CF6–80C2B5F, CF6–80C2B6, CF6–80C2B6F, CF6–80C2B6FA, CF6–80C2B7F, CF6–80C2B8F, and CF6–80C2D1F model turbofan engines. The NPRM published in the **Federal Register** on April 10, 2020 (85 FR 20211). The NPRM was prompted by reports of incidents that resulted in a significant fuel loss during flight and an IFSD of the engine. The incidents resulted from inserts on the HMU/MEC idler adapter on the AGB assembly pulling out of the housing. An investigation by the manufacturer discovered improperly cut threads on the inserts and erroneous instructions in the maintenance manual, which contributed to poor thread engagement. In the NPRM, the FAA proposed to require initial and repetitive shim checks of the HMU/MEC idler adapter on the AGB assembly and, depending on the results of the shim check, possible replacement of the inserts on the HMU/MEC idler adapter. As a terminating action to the repetitive shim

checks, the NPRM proposed to require a protrusion check and a pull-out test, and the replacement of inserts on the HMU/MEC idler adapter that fail either test. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive Comments

The FAA received comments from four commenters. The commenters were All Nippon Airways (ANA), Delta Air Lines, Inc. (DAL), FedEx Express (FedEx), and Japan Airlines (JAL). All commenters requested changes, some of which resulted in changes to this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Update the Applicability

DAL requested that paragraph (c), Applicability, of this AD be updated to align with the effectivity in GE CF6–80C2 Service Bulletin (SB) 72–1577 R01, dated August 16, 2019 (GE CF6–80C2 SB 72–1577 R01), which includes the part numbers (P/Ns) of the affected HMU/MEC idler adapters.

The FAA agrees. The FAA confirmed with the manufacturer that only the P/Ns of the HMU/MEC idler adapter listed in GE CF6–80C2 SB 72–1577 R01 are affected. The FAA updated the applicability of this AD to include the P/Ns of the affected HMU/MEC idler adapter. The number of engines affected by this AD is unchanged from the NPRM.

Request To Update Terminating Action

DAL requested that paragraph (h), Terminating Action, of this AD also terminate the initial shim check of the HMU/MEC idler adapter inserts required by paragraph (g)(1) of this AD. DAL reasoned that since the NPRM proposed to allow for terminating the repetitive shim checks of the HMU/MEC idler adapter inserts, that this AD should add a terminating action for the initial shim check of the HMU/MEC idler adapter inserts if the action was performed within 1,200 flight hours (FHs) after the effective date of this AD.

The FAA agrees. The FAA updated paragraph (h) of this AD to terminate the actions required by paragraph (g) of this AD.

Request To Remove the Shim Check

DAL requested that the FAA remove the shim check of the HMU/MEC idler adapter inserts in paragraph (g)(3)(ii) of the NPRM. DAL reasoned that performing this shim check is not necessary because the (g)(3)(ii) shim check is already required by paragraph (g)(3)(i) of this AD. Additionally, DAL stated that referencing paragraph (g)(1) of this AD to perform the shim check may confuse operators as paragraph (g)(1) of this AD includes the requirement to perform the shim check within 1,200 FHs after the effective date of this AD. Therefore, DAL suggested that paragraph (g)(3)(ii) of this AD should only address the requirement to perform the terminating action if the shim check fails.

The FAA partially agrees. The FAA disagrees that paragraph (g)(3)(ii) of this AD should only address the requirement to perform the terminating action if the shim check of the HMU/MEC idler adapter inserts fails. After retorque of the bolts at each bolt location that failed the shim check, operators must perform the shim check again. If that shim check fails, then the terminating action is required. The FAA agrees that referencing paragraph (g)(1) of this AD may confuse operators whether to perform the shim check after the aircraft operated for some time or within 1,200 FHs after the effective date of this AD. The FAA updated paragraph (g)(3)(ii) of this AD to reference the service information when performing the shim check rather than paragraph (g)(1) of this AD.

Request To Update Credit for Previous Actions

ANA, DAL, FedEx, and JAL requested updates to paragraph (i), Credit for Previous Actions, of this AD. ANA requested adding credit for the repetitive shim checks of the HMU/MEC idler adapter inserts and terminating action. DAL and FedEx requested credit for the terminating action. JAL requested credit for the repetitive shim checks of the HMU/MEC idler adapter inserts, retorque of the bolts that failed the shim check, and the terminating action. The commenters reasoned that GE CF6–80C2 SB 72–1577 R00, dated October 31, 2018 (GE CF6–80C2 SB 72–1577 R00), instructs the operator to perform the same tasks required by GE CF6–80C2 SB 72–1577 R01. Therefore, credit should be allowed for initial and repetitive shim checks of the HMU/MEC idler adapter inserts and the terminating action.

The FAA agrees. The FAA reviewed GE CF6–80C2 SB 72–1577 R00, and determined that the instructions are consistent with GE CF6–80C2 SB 72–1577 R01. The FAA updated this AD to allow credit for the initial and repetitive shim checks of the HMU/MEC idler adapter inserts, retorque of the bolts that failed the shim check, and the terminating action, if performed before the effective date of this AD using GE CF6–80C2 SB 72–1577 R00.

Request for an Alternate Marking Area

ANA requested that the FAA approve an alternate marking area to show compliance with performing the terminating action of this AD. ANA stated that the marking areas indicated in GE CF6–80C2 SB 72–1577 R01, are difficult to access because many components are installed to AGB assembly.

The FAA disagrees with approving an alternate marking area. The manufacturer provided two possible marking areas in GE CF6–80C2 SB 72–1577 R01, and confirmed the suitability of the areas.

Request To Not Mandate the Marking Requirement

DAL requested that the FAA not mandate the provision in GE CF6–80C2 SB 72–1577 R01 to mark the HMU/MEC idler adapter to show compliance with the terminating actions of this AD. DAL reasoned that the NPRM did not propose to apply to all engines and therefore should not be required.

The FAA disagrees. Marking the HMU/MEC idler adapter identifies if the terminating action of this AD has been completed. As noted in a previous comment response, the FAA revised the applicability of this AD to limit applicability to affected engines with certain HMU/MEC idler adapter P/Ns installed. Operators who determine that their engines are not applicable to this AD do not need to perform the terminating action or mark the HMU/MEC idler adapter.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed GE CF6–80C2 SB 72–1577 R01, dated August 16, 2019. The SB describes procedures for performing shim checks of the HMU/MEC idler adapter and for replacing the HMU/MEC idler adapter inserts. 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**.

Costs of Compliance

The FAA estimates that this AD affects 555 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Shim check	1 work-hour × $85 per hour = $85	$0	$85	$47,175
Protrusion check/pull-out test	4 work-hours × $85 per hour = $340	0	340	188,700

The FAA estimates the following costs to do any necessary replacements that are required based on the results of the shim check. The agency has no way of determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace HMU/MEC idler adapter insert	4 work-hours × $85 per hour = $340	$50	$390

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–03–02 General Electric Company: Amendment 39–21405; Docket No. FAA–2020–0371; Project Identifier AD–2019–00124–E.

(a) Effective Date

This airworthiness directive (AD) is effective March 31, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) CF6–80C2A1, CF6–80C2A2, CF6–80C2A3, CF6–80C2A5, CF6–80C2A5F, CF6–80C2A8, CF6–80C2B1, CF6–80C2B1F, CF6–80C2B2, CF6–80C2B2F, CF6–80C2B4, CF6–80C2B4F, CF6–80C2B5F, CF6–80C2B6, CF6–80C2B6F, CF6–80C2B6FA, CF6–80C2B7F, CF6–80C2B8F, and CF6–80C2D1F model turbofan engines that underwent an engine shop visit before November 1, 2018, and with accessory gearbox (AGB) adapter hydromechanical unit (HMU)/main engine control (MEC) idler adapter with part number (P/N) 9395M78G01, P/N 9395M78G02, P/N 9395M78G04, P/N 9395M78G05, P/N 9395M78G08, or P/N 9395M78G10, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7321, Fuel Control/Turbine Engines.

(e) Unsafe Condition

This AD was prompted by failure of the HMU/MEC on the AGB assembly. The FAA is issuing this AD to prevent failure of the HMU/MEC. The unsafe condition, if not addressed, could result in engine fire and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) Perform a shim check of the HMU/MEC idler adapter inserts using paragraph 3.B.(1) of GE CF6–80C2 Service Bulletin (SB) 72–1577 R01, dated August 16, 2019 (the SB), within 1,200 flight hours (FHs) after the effective date of this AD.

(2) Thereafter, perform a repetitive shim check of the HMU/MEC idler adapter inserts using paragraph 3.B.(1) of the SB within every 1,200 FHs since the last shim check.

(3) If any HMU/MEC idler adapter insert fails the shim check required by paragraph (g)(1) or (2) of this AD, perform the following before further flight:

(i) Retorque the bolts at each bolt location that failed the shim check using paragraph 3.B.(1)(c) of the SB.

(ii) Perform the shim check again using paragraph 3.B.(1)(b) of the SB. If the shim check fails, perform the terminating action required by paragraph (h) of this AD.

(h) Terminating Action

As a terminating action to the requirements of paragraph (g) of this AD, perform the following:

(1) Do a protrusion check at all eight bolt locations using paragraph 3.C.(3) of the SB.

(2) Do a pull-out test at all eight bolt locations using paragraph 3.C.(4) of the SB.

(3) If the inserts on the HMU/MEC idler adapter fail the protrusion check or pull-out test required by paragraph (h)(1) or (2) of this AD, replace the inserts using paragraph 3.C.(5) of the SB. After replacement of the inserts is accomplished, the requirements of this AD have been met and no further action is required.

(4) If the inserts on the HMU/MEC idler adapter pass both the protrusion check and the pull-out test required by paragraphs (h)(1) and (2) of this AD, the requirements of this AD have been met and no further action is required.

(i) Credit for Previous Actions

(1) You may take credit for any shim check of the HMU/MEC idler adapter required by paragraph (g) of this AD if you performed this shim check before the effective date of this AD using GE CF6–80C2 SB 72–1577 R00, dated October 31, 2018.

(2) You may take credit for the terminating action required by paragraph (h) of this AD if you performed this action before the effective date of this AD using GE CF6–80C2 SB 72–1577 R00, dated October 31, 2018.

(j) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine case flanges, except separation of engine flanges solely for the purposes of transportation of the engine without subsequent maintenance, which does not constitute an engine shop visit.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Related Information

For more information about this AD, contact Kevin M. Clark, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7088; fax: (781) 238–7199; email: *kevin.m.clark@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) General Electric Company (GE) CF6–80C2 Service Bulletin 72–1577 R01, dated August 16, 2019.

(ii) [Reserved]

(3) For GE service information identified in this AD, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ge.com.*

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

(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 January 21, 2021.

Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03606 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0980; Product Identifier 2020–NM–094–AD; Amendment 39–21414; AD 2021–03–11]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020–02–21, which applied to all Dassault Aviation Model FALCON 2000 airplanes. AD 2020–02–21 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This AD requires revising the existing maintenance or inspection program, as applicable to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 31, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 31, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of March 18, 2020 (85 FR 7860, February 12, 2020).

ADDRESSES: For EASA material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* For Dassault Aviation service information identified in this final rule, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *https://www.dassaultfalcon.com.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0980.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0980; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South

216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *tom.rodriguez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0113, dated May 20, 2020 (EASA AD 2020–0113) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Dassault Aviation Model FALCON 2000 airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2020–02–21, Amendment 39–19833 (85 FR 7860, February 12, 2020) (AD 2020–02–21). AD 2020–02–21 applied to all Dassault Aviation Model FALCON 2000 airplanes. The NPRM published in the **Federal Register** on November 3, 2020 (85 FR 69519). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2020–0113. The FAA is issuing this AD to address reduced controllability of the airplane. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0113 describes new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD also requires Chapter 5–40, Airworthiness Limitations, Revision 20, dated November 2018, of the Dassault Aviation Falcon 2000 Maintenance Manual, which the Director of the Federal Register approved for incorporation by reference as of March 18, 2020 (85 FR 7860, February 12, 2020).

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

Costs of Compliance

The FAA estimates that this AD affects 168 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2020–02–21 to be $7,650 (90 work-hours × $85 per work-hour).

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

The FAA estimates the total cost per operator for the new actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

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 (AD) 2020–02–21, Amendment 39–19833 (85 FR 7860, February 12, 2020), and

■ b. Adding the following new AD:

2021–03–11 Dassault Aviation: Amendment 39–21414; Docket No. FAA–2020–0980; Product Identifier 2020–NM–094–AD.

(a) Effective Date

This airworthiness directive (AD) is effective March 31, 2021.

(b) Affected ADs

(1) This AD replaces AD 2020–02–21, Amendment 39–19833 (85 FR 7860, February 12, 2020) (AD 2020–02–21).

(2) This AD affects AD 2010–26–05, Amendment 39–16544 (75 FR 79952, December 21, 2010) (AD 2010–26–05).

(c) Applicability

This AD applies to all Dassault Aviation Model FALCON 2000 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing

this AD to address reduced controllability of the airplane.

(f) Compliance

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

(g) Retained New Maintenance or Inspection Program Revision With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2020–02–21, with no changes. Within 90 days after March 18, 2020 (the effective date of AD 2020–02–21), revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Chapter 5–40, Airworthiness Limitations, Revision 20, dated November 2018, of the Dassault Aviation Falcon 2000 Maintenance Manual. The initial compliance time for doing the tasks is at the time specified in Chapter 5–40, Airworthiness Limitations, Revision 20, dated November 2018, of the Dassault Aviation Falcon 2000 Maintenance Manual, or within 90 days after March 18, 2020, whichever occurs later, except as required by paragraphs (g)(1) through (3) of this AD. The term ''LDG'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means total airplane landings. The term ''FH'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means total flight hours. The term ''FC'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means total flight cycles. The term ''M'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means months since date of issuance of the original airworthiness certificate or original export certificate of airworthiness.

(1) For Task 30–11–09–350–801 identified in the service information specified in the introductory text of paragraph (g) of this AD, the initial compliance time is the later of the times specified in paragraphs (g)(1)(i) and (ii) of this AD.

(i) At the earlier of the times specified in paragraphs (g)(1)(i)(A) and (B) of this AD.

(A) Prior to the accumulation of 2,400 total flight hours or 2,000 total flight cycles, whichever occurs first.

(B) Within 2,400 flight hours or 2,000 flight cycles after April 7, 2014 (the effective date of AD 2014–03–12, Amendment 39–17749 (79 FR 11693, March 3, 2014) (AD 2014–03–12)), whichever occurs first.

(ii) Within 30 days after April 7, 2014 (the effective date of AD 2014–03–12).

(2) For Task 52–20–00–610–801–01 identified in the service information specified in the introductory text of paragraph (g) of this AD, the initial compliance time is within 24 months after April 7, 2014 (the effective date of AD 2014–03–12).

(3) The limited service life of part number F2MA721512100 is 3,750 total flight cycles on the part or 6 years since the manufacturing date of the part, whichever occurs first.

(h) Retained No Alternative Actions or Intervals With a New Exception

This paragraph restates the requirements of paragraph (j) of AD 2020–02–21, with a new exception. Except as required by paragraph (i) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (m)(1) of this AD.

(i) New Maintenance or Inspection Program Revision

Except as specified in paragraph (j) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0113, dated May 20, 2020 (EASA AD 2020–0113). Accomplishing the maintenance or inspection program revision required by this paragraph terminates the requirements of paragraph (g) of this AD.

(j) Exceptions to EASA AD 2020–0113

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2020–0113 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2020–0113 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, to incorporate the ''limitations, tasks and associated thresholds and intervals'' specified in paragraph (3) of EASA AD 2020–0113 within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2020–0113 is at the applicable ''associated thresholds'' specified in paragraph (3) of EASA AD 2020–0113, or within 90 days after the effective date of this AD, whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2020–0113 do not apply to this AD.

(5) The ''Remarks'' section of EASA AD 2020–0113 does not apply to this AD.

(k) New Provisions for Alternative Actions and Intervals

After the maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2020–0113.

(l) Terminating Action for Certain Actions in AD 2010–26–05

Accomplishing the actions required by paragraph (g) or (i) of this AD terminates the requirements of paragraph (g) of AD 2010–26–05 for Model FALCON 2000 airplanes only.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, 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 Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (n) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

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

(ii) AMOCs approved previously for AD 2020–02–21 are approved as AMOCs for the corresponding provisions of EASA AD 2020–0113 that are required by paragraph (i) of this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(n) Related Information

For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *tom.rodriguez@faa.gov.*

(o) 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 this AD specifies otherwise.

(3) The following service information was approved for IBR on March 31, 2021.

(i) European Union Aviation Safety Agency (EASA) AD 2020–0113, dated May 20, 2020.

(ii) [Reserved]

(4) The following service information was approved for IBR on March 18, 2020 (85 FR 7860, February 12, 2020).

(i) Chapter 5–40, Airworthiness Limitations, Revision 20, dated November 2018, of the Dassault Aviation Falcon 2000 Maintenance Manual.

(ii) [Reserved]

(5) For EASA AD 2020–0113, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu*. You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu*. For information about Dassault Aviation material, contact Dassault Falcon Jet Corporation, Teterboro Airport,

P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *https://www.dassaultfalcon.com.*

(6) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0980.

(7) You may view this material 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 January 29, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03603 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1915 and 1926

RIN 1218–AD29

Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors; Correction

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule; correction and correcting amendment.

SUMMARY: OSHA is making minor changes to the final rule published on August 31, 2020, titled Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors, to correct inadvertent errors in the published rule.

DATES: Effective February 24, 2021.

FOR FURTHER INFORMATION CONTACT:

Press inquiries: Frank Meilinger, Director, OSHA Office of Communications; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Maureen Ruskin, Acting Director, OSHA Directorate of Standards and Guidance; telephone: (202) 693–1955; email: *ruskin.maureen@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary and Explanation

On August 31, 2020, OSHA published a final rule revising the standards for occupational exposure to beryllium and beryllium compounds in the construction and shipyard sectors (85 FR 53910). The document inadvertently failed to revise paragraph (k)(7)(ii) of both standards in the Code of Federal Regulations (CFR), as the final rule purported to do. The document also failed to include the correct language for these revised provisions in two tables in the Economic Feasibility Analysis and Regulatory Flexibility Certification section of the preamble. OSHA is publishing this document to correct these errors.

II. Exemption From Notice-and-Comment Procedures

OSHA has determined that these corrections are not subject to the procedures for public notice and comment specified in Section 4 of the Administrative Procedures Act (5 U.S.C. 553) or Section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)). This rulemaking only corrects minor errors and does not affect or change any existing rights or obligations. No stakeholder is likely to object to these corrections. Therefore, the agency finds good cause that public notice and comment are unnecessary within the meaning of 5 U.S.C. 553(b)(3)(B), 29 U.S.C. 655(b), and 29 CFR 1911.5.

Preamble Corrections

In FR Doc. 2020–18017 appearing on page 53910 in the **Federal Register** of August 31, 2020 (85 FR 53910), make the following corrections in the Economic Feasibility Analysis and Regulatory Flexibility Certification section of the preamble.

1. On page 53991, in the third column, in Table VI.1, the sixth paragraph is corrected to read as follows:

''Added a new requirement in paragraph (k)(7)(ii) that the employer must ensure that, as part of the evaluation, the employee is offered any tests deemed appropriate by the examining physician at the CBD diagnostic center, such as pulmonary function testing (as outlined by the American Thoracic Society criteria), bronchoalveolar lavage (BAL), and transbronchial biopsy. If any of the tests deemed appropriate by the examining physician are not available at the CBD diagnostic center, they may be performed at another location that is mutually agreed upon by the employer and the employee.''

2. On page 53994, in the third column, in Table VI.2, the first paragraph is corrected to read as follows:

''Added a new requirement in paragraph (k)(7)(ii) that the employer must ensure that, as part of the evaluation, the employee is offered any tests deemed appropriate by the examining physician at the CBD diagnostic center, such as pulmonary function testing (as outlined by the American Thoracic Society criteria), bronchoalveolar lavage (BAL), and transbronchial biopsy. If any of the tests deemed appropriate by the examining physician are not available at the CBD diagnostic center, they may be performed at another location that is mutually agreed upon by the employer and the employee.''

List of Subjects

29 CFR Part 1915

Beryllium, Health, Occupational Safety and Health, Shipyards.

29 CFR Part 1926

Beryllium, Construction, Health, Occupational Safety and Health.

Authority and Signature

Amanda L. Edens, Deputy Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, directed the preparation of this notice pursuant to 29 U.S.C. 653, 655, and 657, Secretary of Labor's Order 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR part 1911.

Signed at Washington, DC, on February 4, 2021.

Amanda L. Edens

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

For reasons stated in the preamble, the Occupational Safety and Health Administration corrects 29 CFR parts 1915 and 1926 with the following correcting amendments:

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

■ 1. The authority citation for part 1915 continues to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754); 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), or 1–2012 (77 FR 3912); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

■ 2. In § 1915.1024, revise paragraph (k)(7)(ii) to read as follows:

§ 1915.1024 Beryllium.

* * * * *

(k) * * *

(7) * * *

(ii) The employer must ensure that, as part of the evaluation, the employee is offered any tests deemed appropriate by

the examining physician at the CBD diagnostic center, such as pulmonary function testing (as outlined by the American Thoracic Society criteria), bronchoalveolar lavage (BAL), and transbronchial biopsy. If any of the tests deemed appropriate by the examining physician are not available at the CBD diagnostic center, they may be performed at another location that is mutually agreed upon by the employer and the employee.

* * * * *

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart Z—Toxic and Hazardous Substances

■ 3. The authority citation for 29 CFR part 1926, subpart Z, continues to read as follows:

Authority: 40 U.S.C. 3704; 29 U.S.C. 653, 655, 657; and Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), or 1–2012 (77 FR 3912) as applicable; and 29 CFR part 1911.

■ 4. In § 1926.1124, revise paragraph (k)(7)(ii) to read as follows:

§ 1926.1124 Beryllium.

* * * * *

(k) * * *

(7) * * *

(ii) The employer must ensure that, as part of the evaluation, the employee is offered any tests deemed appropriate by the examining physician at the CBD diagnostic center, such as pulmonary function testing (as outlined by the American Thoracic Society criteria), bronchoalveolar lavage (BAL), and transbronchial biopsy. If any of the tests deemed appropriate by the examining physician are not available at the CBD diagnostic center, they may be performed at another location that is mutually agreed upon by the employer and the employee.

* * * * *

[FR Doc. 2021–02809 Filed 2–23–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0034]

RIN 1625–AA00

Safety Zone; Duluth-Superior Harbor, Duluth, MN and Superior, WI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of Duluth-Superior Harbor encompassed by a box from Connor's Point Marina in Superior, WI to Rice's Point in Duluth, MN and extending 100 yards from four (4) barges placed across the waterway. This action is necessary to protect the safety of life on these navigable waters of Duluth-Superior Harbor near the Blatnik Bridge for an extreme sports event. This rulemaking would prohibit persons, vehicles, and vessels from entering, transiting, or anchoring in the safety zone unless authorized by the Captain of the Port Duluth or a designated representative.

DATES: This rule is effective February 24, 2021 through March 5, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0034 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LT Abbie Lyons, Chief, Incident Management Division, U.S. Coast Guard; telephone 218–725–3818, email *Abbie.E.Lyons@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the temporary rule takes place after the closure of the Sault Saint Marie Locks on a frozen waterway with no anticipated vessel traffic. Further, delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the events taking place during Red Bull's filming of the snowmachine stunts across the waterway.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceeding paragraph, waiting for a 30-day notice period to run would be impracticable and contrary to the public interest.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Duluth (COTP) has determined that this rule is necessary to protect the safety of people, vessels, vehicles, and the navigable waters within the safety zone immediately before, during, and after the scheduled event.

IV. Discussion of the Rule

The COTP establishing a safety zone from 9 a.m. through 4 p.m. daily from February 25, 2021 through March 5, 2021. The safety zone covers all navigable waters from Connor's Point Marina, along the Blatnik Bridge (Interstate 535 Bridge) to Rice's Point Landing, extending 100 yards on either side of the barges along the waterway. The duration of the zone is intended to protect the safety of persons, vehicles, vessels, and these navigable waters immediately before, during, and after the scheduled event. No vessel, vehicle, or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on on the size, location, duration, and time-of-day of the safety zone. There is no expected vessel traffic on Lake Superior due to the closure of the Sault Saint Marie Locks and buildup of ice. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and under certain conditions, the rule would allow vessels to transit to seek permission to enter the zone from the COTP or a designated representative.

B. Impact on Small Entities

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

There is no expected vessel traffic on Lake Superior due to the closure of the Sault Saint Marie Locks and buildup of ice, so there this proposed rule would not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting four hours over six consecutive days that would prohibit entry within 100 yards of the barges alongside Blatnik Bridge (Interstate 535 Bridge). Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0034 to read as follows:

§ 165.T09–0034 Safety Zone; Duluth-Superior Harbor, Duluth, MN and Superior, WI.

(a) *Location.* The following area is a safety zone: All waters of Duluth-Superior Harbor, from surface to bottom, encompassed by a box from Connor's Point Marina in Superior, WI to Rice's

Point in Duluth, MN extending 100 yards from the four (4) barges placed across the waterway.

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

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

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

(4) To seek permission to enter, contact the COTP Duluth or the COTP Duluth's representative by contacting Station Duluth at 218–529–3100. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(c) *Enforcement periods.* This section will be enforced from 9 a.m. through 4 p.m. daily from February 25, 2021 through March 5, 2021.

Dated: February 17, 2021.

Frances M. Smith,

Commander, U.S. Coast Guard, Captain of the Port Duluth.

[FR Doc. 2021–03536 Filed 2–23–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0070]

RIN 1625–AA87

Security Zone; San Diego Bay, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone for navigable waters in the vicinity of U.S. Coast Guard Sector San Diego, CA. The security zone is necessary to protect the official party and the surrounding waterway and structures from terrorist acts, sabotage or other subversive acts, accidents or other causes of a similar nature. Entering, transiting through, anchoring in, or remaining within this security zone is prohibited unless authorized by the Captain of the Port Sector San Diego or a designated representative.

DATES: This rule is effective from 6 a.m. on March 10, 2021 through 6 p.m. on March 11, 2021. This rule will be enforced from 6 a.m. through 6 p.m. on each of these dates.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0070 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant John Santorum, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone 619–278–7656, email *D11MarineEventsSD@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it would be contrary to the public interest. Providing a public notice and comment period would be contrary to the security zone's intended objective of protecting the official party and the public.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule is contrary to the public interest because the Coast Guard must establish this security zone by March 10, 2021 to ensure the safety and security during the official's visit.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector San Diego (COTP) has determined that the official's visit presents a potential target for terrorist acts, sabotage, or other subversive acts, accidents, or other causes of a similar nature. Given the close proximity of the waterways to the official's visit site, this security zone is necessary to protect the official party, the public, and the surrounding waterways in the vicinity of U.S. Coast Guard Sector San Diego.

IV. Discussion of the Rule

This rule establishes a security zone from 6 a.m. on March 10, 2021 through 6 p.m. on March 11, 2021. The security zone will be enforced from 6 a.m. through 6 p.m. on both of these dates. The security zone will cover all navigable waters of the San Diego Bay bound landward of a line by connecting the following points: Beginning at latitude 32°43′37.2″ N, longitude 117°10′45.0″ W (point A); thence southeasterly to latitude 32°43′36.2″ N, longitude 117°10′41.5″ W (point B); thence southwesterly to latitude 32°43′20.2″ N, longitude 117°10′49.5″ W (point C); thence northwesterly to latitude 32°43′25.7″ N, longitude 117°11′04.6″ W (point D); thence northeasterly to latitude 32°43′35.7″ N, longitude 117°10′59.5″ W (point E); thence generally easterly along the air station boundary to the point of beginning (point A). No vessel may enter, transit through, anchor in, or remain in the zone during its enforcement unless permission is obtained from the COTP or a designated representative. The duration of the zone is intended to protect the Commandant and the Commandant's party in the vicinity of this waterway.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and

pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on size, location, duration, and time-of-day of the security zone. Vessel traffic will be able to safely transit around this security zone which would impact a small designated area of San Diego Bay where commercial traffic is typically low.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a security zone that will prohibit entry within a portion of the navigable waters in the vicinity of U.S. Coast Guard Sector San Diego, CA. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS.

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

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

■ 2. Add § 165.T11–047 to read as follows:

§ 165.T11–047 Security Zone; San Diego Bay, San Diego, CA.

(a) *Location.* The following area is a security zone: All navigable waters of the San Diego Bay bound landward of a line by connecting the following points: Beginning at latitude 32°43′37.2″ N, longitude 117°10′45.0″ W (point A); thence southeasterly to latitude 32°43′36.2″ N, longitude 117°10′41.5″ W (point B); thence southwesterly to latitude 32°43′20.2″ N, longitude 117°10′49.5″ W (point C); thence northwesterly to latitude 32°43′25.7″ N, longitude 117°11′04.6″ W (point D); thence northeasterly to latitude 32°43′35.7″ N, longitude 117°10′59.5″ W (point E); thence generally easterly along the air station boundary to the point of beginning (point A).

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

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

(2) To seek permission to enter, contact the COTP or the COTP's representative by VHF Channel 16. Those in the security zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 6 a.m. through 6 p.m. on March 10, 2021 and March 11, 2021.

Dated: February 12, 2021.

T.J. Barelli,

Captain, U.S. Coast Guard, Captain of the Port Sector San Diego.

[FR Doc. 2021–03534 Filed 2–23–21; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 111

Extra Services Refund Time Limit

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is amending *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) to revise the time limit for extra service refunds.

DATES: *Effective Date:* April 5, 2021.

FOR FURTHER INFORMATION CONTACT: Sheila Marano at (202) 268–4257, Adaisja Johnson at (202) 268–6724, or Garry Rodriguez at (202) 268–7281.

SUPPLEMENTARY INFORMATION: On May 14, 2020, the Postal Service published a notice of proposed rulemaking (85 FR 28917–28918) to revise the time limit for extra service refunds on all classes of mail except Priority Mail Express®. The Postal Service elected to issue a second revised proposed rule on January 7, 2021, (86 FR 1080–1081) that included revising the timelines for Priority Mail Express with an extra service. One formal response was received as follows:

Comment: The commenter requested the time limit for extra service refunds be revised on all classes of mail except Priority Mail Express.

USPS Response: The Postal Services believes this revision to extend the time limits for filing a refund for all classes of mail will provide consistency within the refund policy.

Currently, DMM Exhibit 604.9.2.1, *Postage and Fees Refunds,* provides that for Priority Mail Express with an extra service a customer must apply for an extra service refund no sooner than 10 days, or no later than 30 days, and for all other classes of mail with an extra service a customer must apply for an extra service refund no sooner than 10 days, or no later than 60 days, from the date the service was purchased.

Certain extra services (*e.g.,* Certified Mail®) have workflow timelines that extend beyond the current 10-day limit to initially file for a refund. As a result, to meet the required workflow timelines for these extra services, and for consistency in application of the refund processes, the Postal Service is extending the current Priority Mail Express with an extra service timeline to no sooner than 30 days, or no later than 60 days. For all other classes of mail with an extra service, the 10-day time limit will be extended to a 30-day time limit before a customer can file for a refund.

We believe this revision will provide customers with a more efficient process and a more consistent customer experience.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations.* See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

600 Basic Standards for All Mailing Services

* * * * *

604 Postage Payment Methods and Refunds

* * * * *

9.0 Exchanges and Refunds

* * * * *

9.2 Postage and Fee Refunds

* * * * *

9.2.1 General Standards

* * * * *

Exhibit 9.2.1 Postage and Fees Refunds

Customers must apply for a refund within the time limits in the chart below.

Mail type or service	When to apply (from mailing date)	
	No sooner than	No later than
* * *	* *	* *
[Revise the text of the "Priority Mail Express with an Extra Service" line item to read as follows:]		
Priority Mail Express with an Extra Service(s) (9.2.4h)	30 days	60 days.
* * *	* *	* *
[Revise the text of the "Extra Services" line item to read as follows:]		
All other classes of mail with an Extra Service or Extra Services (9.2.4h).	30 days	60 days.
* * *	* *	* *

9.2.4 Postage and Fee Refunds Not Available

Refunds are not made for the following:

* * * * *

[Revise the text of item h to read as follows:]

h. Fees paid for extra services, as allowed under 9.2.3, when refund request is made by the mailer less than 30 days, or more than 60 days, from the date the service was purchased, unless otherwise authorized by the manager, Revenue and Field Accounting (see 608.8.0 for address).

* * * * *

9.5 Priority Mail Express Postage and Fees Refunds

* * * * *

9.5.4 Conditions for Refund

A postage refund request, as allowed under 9.0, must be made within the timelines provided in Exhibit 9.2.1.

* * * * *

Joshua J. Hofer,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2021–03406 Filed 2–23–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2020–0114; FRL–10019–22–Region 8]

Approval and Promulgation of Implementation Plans; Colorado; Revisions to Regulation Number 7 and RACT Requirements for 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving and conditionally approving State Implementation Plan (SIP) revisions submitted by the State of Colorado on May 31, 2017, May 14, 2018 and May 8, 2019. The revisions are to Colorado Air Quality Control Commission (Commission or AQCC) Regulation Number 7 (Reg. 7). The revisions to Reg. 7 address Colorado's reasonably available control technology (RACT) SIP obligations for Moderate 2008 ozone nonattainment areas; add incorporation by reference dates to rules and reference methods; and make typographical, grammatical, and formatting corrections. Also, in this action the EPA is correcting a July 3, 2018 final rule pertaining to Colorado's SIP. In that action, we inadvertently omitted regulatory text corresponding to ''incorporation by reference'' (IBR) materials for graphic arts and printing revisions to Reg. 7, Section XIII (adopted November 17, 2016). The EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: This rule is effective on March 26, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2020–0114. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Abby Fulton, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6563, *fulton.abby@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA. In our October 6, 2020 proposal for this action (85 FR 63066) we inadvertently referred to the May 8, 2019 submittals as May 10, 2019 submittals. The cover letters to these submittals are dated May 10, but they were actually received by EPA on the 8th.

I. Background

The background for this action is discussed in detail in our October 6, 2020 proposal (85 FR 63066). In that document we proposed to approve various revisions to the Colorado SIP that were submitted to the EPA on May 31, 2017, May 14, 2018 and May 8, 2019. In particular, we proposed to approve certain area source rules to meet the 2008 8-hour ozone national ambient air quality standards (NAAQS) RACT requirements for Moderate nonattainment areas that were not acted on in our July 3, 2018 rulemaking approving the State's attainment demonstration and various SIP elements.[1] We also proposed to approve into the SIP the submitted revisions to Colorado's Reg. 7 that we have not previously acted on, except for Sections XII and XVIII (from the May 2018 submittal) and Sections XVI.D.4.b.(i) and XVI.D.4.d. (from the two May 2019 submittals), which we will be acting on at a later date (see Tables 4 and 5 of the preamble to the proposed rule). Finally, we proposed to approve IBR material that was submitted in May 2017 but inadvertently excluded from our July 3, 2018 action. The factual and legal background for this action is discussed in detail in our October 6, 2020 proposed approval. The proposal provides a detailed description of the revisions and the rationale for EPA's proposed actions. We did not receive any comments on the proposal.

II. Final Action

The EPA is approving submitted revisions to Sections I, II, III, V, VI, VII[2], VIII, IX, X, XI, XIII, XIV, XV, XVI, XVII, XIX and XX of Reg. 7 from the State's May 31, 2017, May 14, 2018 and May 8, 2019 submittals as shown in Table 1, except for those revisions we are not acting on as represented in Table 2. We are approving Colorado's determination that the above rules constitute RACT for the specific categories addressed in Tables 3 and 4, except for the aerospace category, which we are conditionally approving. We are also finding that for VOC RACT requirements at major non-CTG VOC sources, Colorado has RACT-level controls in place for the DMNFR Area under the 2008 8-hour ozone standard. We are not finalizing our RACT determination for major sources of NO_X in this document because there are certain NO_X source categories as to which we have not yet determined that the State has met RACT requirements. We will be addressing those categories and requirements in a future action[3][4].

[1] *See* Final Rule, Approval and Promulgation of State Implementation Plan Revisions; Colorado; Attainment Demonstration for the 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area, and Approval of Related Revisions, 83 FR 31068, 31069–31072.

[2] Our October 6 proposal incorrectly stated at one point that one of the State's May 8, 2019 SIP submittals contained revisions to Reg. 7, Section VII. *See* 85 FR at 63074. In fact, neither of the State's submittals on that date involved revisions to Section VII. A correct and complete list of the affected provisions appears at Table 4 of our October 6 proposal, and in Table 1 of this final rule.

[3] Rules in this column were struck from Colorado's regulation number 7 in the May 8, 2019 submittal—RACT for brewing related activities and wood furniture surface coating operations. Because these rules were not approved into the SIP from previous submittals, there is no action for EPA to take remove them from the SIP.

Continued

TABLE 1—LIST OF COLORADO REVISIONS TO REG. 7 THAT THE EPA IS APPROVING

Revised sections in May 31, 2017, May 14, 2018 and May 8, 2019 submittals for approval

May 31, 2017 submittal:

X., X.A.1, X.A.2.b.–j., X.B.1.d.(ii), X.D.1.a.(i), X.E., X.E.1., X.E.1.a.–c., X.E.2., X.E.2.a.–c., X.E.3., X.E.3.a., X.E.3.a.(i)–(iv), X.E.3.b., X.E.3.b.(i)–(iii), X.E.3.b.(iii)(A)–(B), X.E.4., X.E.4.b., X.E.4.b.(i)–(xi), X.E.4.c., X.E.4.c.(i)–(ii), XVI.D., XVI.D.2., XVI.D.2.a.–f.(ii), XVI.D.4., XVI.D.4.a.–b., XIX., XIX.D., XIX.D.1–12., XIX.F. and G.

May 14, 2018 submittal:

I.A.1.c., I.B.1.c., I.B.2.c., I.B.2.e., I.B.2.g., I.B.2.h., II.A.9., II.A.10., II.D.2., III.C., V.B., VI.B.1.a., VI.B.1.b., VI.B.2.a.(i)(C), VI.B.2.a.(i)(E), VI.B.2.a.(iii)(B), VI.B.2.a.(iii)(C), VI.B.2.c.(i)(B)(1), VI.B.2.c.(i)(B)(2), VI.B.2.c.(ii)(B), VI.B.2.c.(ii)(B)(1), VI.B.2.c.(ii)(C)(2), VI.B.2.c.(iii)(A), VI.B.2.c.(iii)(B)(1), VI.B.3.a.. VI.B.3.b., VI.B.3.b.(i), VI.B.3.h., VI.C.1., VI.C.2.a., VI.C.2.b., VI.C.2.c., VI.C.3.a.–c., VI.C.3.c.(iii), VI.C.3.d.–f., VI.D.1.a.–b., VI.D.2.a., VI.D.2.a.(i)–(ii), VI.D.2.a.(ii)(A)–(C), VI.D.2.b.(i), VI.D.2.b.(ii)(B), VI.D.3.a., VI.D.3.b., VI.D.4.a.–VI.D.4.c., VI.D.4.c.(ii), VI.D.4.d.(i), VI.D.4.d.(iv), VI.D.4.e., VII.A.2., VII.B.–C., VIII.A.2.a.(i)–(iii), VIII.A.2.a.(iii)(A), VIII.B.6., VIII.C.1., VIII.C.1.b., VIII.C.2.a.(i)–(v), VIII.C.2.a.(vi)(A)–(B), VIII.C.2.c.(iii), VIII.C.4.a.(i)(A), VIII.C.4.a.(i)(A)(6), VIII.C.4.a.(i)(B), VIII.C.4.a.(i)(E), VIII.C.4.a.(ii)–(iii), VIII.C.4.b.(i)(J), VIII.C.4.c.(ii), IX.A.3.c.–e., IX.A.5., IX.A.5.a.–d., IX.A.5.e., IX.A.6.a.–b., IX.A.8.b., IX.A.9.a.(1), IX.A.10.b., IX.A.11., IX.A.12.a., IX.A.12.a.(iv), IX.A.12.a.(vi), IX.A.12.a.(ix), IX.A.12.a.(x), IX.B.2., 4., 5., IX.C.2., IX.D.2., IX.E.2., IX.F.2., IX.G.2., IX.H.1.b., IX.H.2., IX.I.2., IX.J.1.a., IX.J.2., IX.K.1., IX.K.2., IX.L.1.a., IX.L.1.b.(i)–(ii), IX.L.1.c., IX.L.2.a.–c., IX.L.2.c.(iii)–(vi), IX.M.2., IX.M.3.a., IX.N.3.a.(i)(A), IX.N.4.a.(ii), IX.N.5.–6., X.A.5., X.B.1.d.(ii), X.C.1.c.(i), X.C.2.d., X.E.3.b.(i), X.E.4.a.(i), XI.A.1., XI.B.3., XI.C., XIII.A.1.a, XIII.A.3.a.(iii), XIII.A.3.a.(v)–(vi), XIII.A.3.c.–d., XIII.A.4., XIII.B.5.a.–b., XIII.B.5.c., XIV.C.1., XV.B.1.d., XV.B.2.a., XVI.C., XVI.C.1., XVI.C.3.–4., XVII.E.3.a.(i), XVII.E.3.a.(i)(A)–(C).

May 8, 2019 submittal—RACT for combustion sources:

XVI., XVI.D., XVI.D.1.–XVI.D.4.a.(ii), XVI.4.b.(ii)–(iii), XVI.D.4.c., XVI.D.4.e.–XVI.D.5.a.(iv), XVI.D.6. (renumbering), XVI.D.6.a., XVI.D.6.b.–XVI.D.6.b.(vi)(B) (renumbering), XVI.D.6.c., XVI.D.6.c.(i)–(ii) (renumbering), XVI.D.7.–XVI.D.8.b.(i), XIX.A. (renumbering).

May 8, 2019 submittal—RACT for brewing related activities and wood furniture surface coating operations:

I.B.2.f.–g., I.E., II.A.17., VI.B.2.a.(i)(D), VI.B.3.i., VI.C.2.d.–e., VI.D.3.c., VI.D.4.d.(v), VIII.A.2.a.(iii)(B), VIII.B.7., VIII.C.3., IX.A.1., IX.A.3.a., IX.A.9.a.(i)–(ii), IX.A.10.b., IX.A.11., IX.L.2.c.(vi), IX.N.7., IX.O.–IX.O.5.a.(v), X.D.2.a., X.E.3.b.(iii)(A)–(B), X.E.4.a., X.E.4.c.–(ii), XIII.B.5.c.(iii)(A)–(B), XV.B.1.b., XVI.D.6.b.(vi)(A), XVI.D.6.c.(ii), XVI.D.7.f.(iii), XVII.E.3.a.(i)(B), XIX.B.–C. (renumbering), XX.–XX.A.7.c.

TABLE 2—LIST OF COLORADO REVISIONS TO REG. 7 THAT EPA IS TAKING NO ACTION ON

Revised section	Reason for proposed "No Action"		
	Superseded by May 8, 2019 submittal	Revision to be made in future rulemaking	Revision never approved into the SIP [3]
May 31, 2017 submittal:			
X.E.4.a.	X		
X.E.4.a.(i)–(ii)	X		
XVI.D.1.	X		
XVI.D.1.A.–e.	X		
XVI.D.3.	X		
XVI.D.3.a.–c.	X		
XV.I.D.4.c.	X		
XIX.A.–C.	X		
XIX.E.	X		
May 14, 2018 submittal:			
II.B.		X	
Section XII		X	
XVI.D.2.a.(iv)	X		
XVI.D.3.a.(ii)–(iii)	X		
XVI.D.4.	X		

[4] *See* Colorado's August 4, 2020 letter committing to submit to EPA a negative declaration certifying that there are no sources in the DMNFR Area above the aerospace CTG applicability threshold (contained within the docket). The EPA is conditionally approving Colorado's determination that there are no sources in the DMNFR Area subject to the aerospace CTG and therefore RACT is satisfied for this category. If we finalize our proposed conditional approval, Colorado must submit the negative declaration, after state notice and public hearing, to EPA within one year of our finalization of the conditional approval. If Colorado does not submit the negative declaration within one year, or if we find Colorado's revisions to be incomplete, or we disapprove Colorado's revisions, this conditional approval will convert to a disapproval. If any of these occur and our conditional approval converts to a disapproval, that will constitute a disapproval of a required plan element under part D of title I of the Act, which starts an 18-month clock for sanctions, see CAA section 179(a)(2), and the two-year clock for a federal implementation plan, see CAA section 110(c)(1)(B).

TABLE 2—LIST OF COLORADO REVISIONS TO REG. 7 THAT EPA IS TAKING NO ACTION ON—Continued

Revised section	Reason for proposed "No Action"		
	Superseded by May 8, 2019 submittal	Revision to be made in future rulemaking	Revision never approved into the SIP [3]
Section XVIII		X	
May 8, 2019 submittal—RACT for combustion sources:			
XVI.D.4.b.(i)		X	
XVI.D.4.d.		X	
May 8, 2019 submittal—RACT for brewing related activities and wood furniture surface coating operations:			
X.E.4.a.(i)–(ii)			X
Section XII		X	
Section XVIII		X	
XIX.B. (Elkay Wood Products)			X

TABLE 3—SOURCE CATEGORIES, EPA CTG REFERENCE DOCUMENTS, AND CORRESPONDING SECTIONS OF REG. 7 FULFILLING RACT

Source category in DMNFR area	CTG reference document	Date of CTG	Reg. 7 sections fulfilling RACT
Metal Furniture Coatings	Control Techniques Guidelines for Metal Furniture Coatings.	2007	Sections V and IX.
Wood Furniture Manufacturing Operations.	Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations.	1996	Sections V and IX.O.
Industrial Cleaning Solvents	Control Techniques Guidelines for Industrial Cleaning Solvents.	2006	Sections V and X.
Aerospace [4]	Control of Volatile Organic Compound Emissions from Coating Operations at Aerospace Manufacturing and Rework Operations.	1997	No sources above the CTG applicability threshold in the DMNFR Area (negative declaration conditional approval in this action).

TABLE 4—SOURCE CATEGORIES AND CORRESPONDING SECTIONS OF REG. 7 FULFILLING RACT

[Combustion equipment located at non-CTG major NO_X sources]

Source category in the DMNFR Area	Reg. 7 sections fulfilling RACT
Stationary Internal Combustion Engines	Applicable provisions in XVI.D. and XIX.A.
Commercial & Institutional Boilers	Applicable provisions in XVI.D.
Stationary Combustion Turbines	Applicable provisions in XVI.D. (proposed for approval in this action, except XVI.D.4.b.(i) which will be acted on at a later date).
Utility Boilers	Applicable provisions in XVI.D. (proposed for approval in this action).

III. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of Colorado Regulation Number 7 pertaining to regulation of sources of VOC and NO_X emissions, except that we are not acting on Reg. 7, Sections II.B., XII, XVI.D.4.b.(i), XVI.D.4.d., and XVIII in this action.[5] Therefore, these materials have been approved by the EPA for inclusion in the State implementation plan, 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 by the Director of the Federal Register in the next update to the SIP compilation.[6] The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 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.[7]

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 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 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:

[5] See section VI (EPA's Evaluation of SIP Control Measures in Reg. 7) of our October 6 proposed rule for additional discussion. 85 FR at 63072.

[6] 62 FR 27968 (May 22, 1997).

[7] 62 FR 27968 (May 22, 1997).

• 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, 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 26, 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, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 11, 2021.

Debra Thomas,

Acting Regional Administrator, Region 8.

40 CFR part 52 is amended 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 G—Colorado

■ 2. In § 52.320, the table in paragraph (c) is amended by:

■ a. Revising the center heading ''5 CCR 1001–09, Regulation Number 7, Control of Ozone Via Ozone Precursors (Emissions of Volatile Organic Compounds and Nitrogen Oxides)''; and

■ b. Under the newly revised center heading by:

■ i. Revising entries I through III, V through XI, and XIII through XVI;

■ ii. Removing the entry for XVII.E.3.a and adding in its place an entry for XVII; and

■ iii. Adding entries in numerical order for XIX and XX.

The revisions and additions read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

Title	State effective date	EPA effective date	Final rule citation/date	Comments
*	*	*	*	*
5 CCR 1001–09, Regulation Number 7, Control of Ozone Via Ozone Precursors and Hydrocarbons via Oil and Gas Emissions, (Emissions of Volatile Organic Compounds and Nitrogen Oxides)				
I. Applicability	1/14/2019	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 08/05/11 except for I.A.1.b, I.B.1.b, I.B.2.b, and I.B.2.d; nonsubstantive changes to I.A.1.a. and I.A.1.c. approved 7/3/2018; nonsubstantive changes Approved 2/24/2021.
II. General Provisions	1/14/2019	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 8/5/2011 except for II.A.12, II.C.1, and the repeal of previously approved II.D; nonsubstantive changes to II.D approved 7/3/2018; nonsubstantive changes approved 2/24/2021.

Title	State effective date	EPA effective date	Final rule citation/date	Comments
III. General Requirements for Storage and Transfer of Volatile Organic Compounds.	12/30/2017	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 8/5/2011. nonsubstantive changes approved 2/24/2021.
*	*	*	*	* * *
V. Disposal of Volatile Organic Compounds.	12/30/2017	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 8/5/2011. nonsubstantive changes approved 2/24/2021.
VI. Storage and Transfer of Petroleum Liquid.	1/14/2019	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 8/5/2011; nonsubstantive changes to VI.B.2.a.(iii)(B) approved 7/3/2018; nonsubstantive changes approved 2/24/2021.
VII. Crude Oil	12/30/2017	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 8/5/2011; nonsubstantive changes to VII.C 7/3/2018; nonsubtantive changes approved 2/24/2021.
VIII. Petroleum Processing and Refining.	1/14/2019	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 8/5/2011; nonsubstantive changes to VIII.C.4.a.(i)(A)(6) 7/3/2018; nonsubstantive changes approved 2/24/2021.
IX. Surface Coating Operations.	1/14/2019	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 8/5/2011; nonsubstantive changes to IX.A.3.c., IX.A.5.a.–d., and IX.A.12.a. approved 7/3/2018; substantive changes approved 2/24/2021.
X. Use of Cleaning Solvents.	1/14/2019	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 8/5/2011; substantive changes approved 2/24/2021.
XI. Use of Cutback Asphalt.	12/30/2017	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 8/5/2011; nonsubstantive changes approved 2/24/2021.
*	*	*	*	* * *
XIII. Graphic Arts and Printing.	1/14/2019	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 8/5/2011; Substantive changes made in 7/3/2018 rulemaking; IBR correction approved 2/24/2021.
XIV. Pharmaceutical Synthesis.	12/30/2017	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 8/5/2011; nonsubstantive changes approved 2/24/2021.
XV. Control of Volatile Organic Compound Leaks from Vapor Collection Systems and Vapor Control Systems Located at Gasoline Terminals, Gasoline Bulk Plants, and Gasoline Dispensing Facilities.	1/14/2019	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 8/5/2011; nonsubstantive changes approved 2/24/2021.
XVI. Control of Emissions from Stationary and Portable Engines and Other Combustion Equipment in the 8-Hour Ozone Control Area.	1/14/2019	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Previous SIP approval 8/19/2005; nonsubstantive changes to sections XVI.A.–C. 7/3/2018; substantive changes approved 2/24/2021, except sections XVI.D.4.b.(i) and XVI.D.4.d.
XVII. (Regional Haze SIP) Rich Burn Reciprocating Internal Combustion Engines.	1/14/2019	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	Only section XVII.E.3.a. from the Regional Haze SIP approved in SIP. Previous SIP approval 12/31/2012; nonsubstantive changes approved 2/24/2021.
XIX. Control of Emissions from Specific Major Sources of VOC and/or NO_X in the 8-Hour Ozone Control Area.	1/14/2019	3/26/2021	[insert **Federal Register** citation], 2/24/2021.	New section approved in SIP 2/24/2021.
XX. Control of Emissions from Breweries in the 8-Hour Ozone Control Area.	1/14/2019	3/26/2021	[insert FEDERAL REGISTER citation], 2/24/2021.	New section approved in SIP 2/24/2021.
*	*	*	*	* * *

* * * * *

[FR Doc. 2021–03278 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2020–0121; FRL–10017–02–Region 9]

Air Plan Approval; California; South Coast Air Quality Management District; Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the South Coast Air Quality Management District (SCAQMD) and the Ventura County Air Pollution Control District (VCAPCD) portions of the California State Implementation Plan (SIP). These revisions concern emissions of volatile organic compounds (VOCs) from the use and application of industrial adhesives. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: Effective on March 26, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2020–0121. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3024 or by email at *lazarus.arnold@epa.gov.*

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

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
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IV. Incorporation by Reference
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I. Proposed Action

On September 3, 2020 (85 FR 54952), the EPA proposed to approve the following rules into the California SIP:

Local agency	Rule No.	Rule title	Adopted	Submitted
SCAQMD	1168	Adhesive and Sealant Applications	October 6, 2017	May 23, 2018.
VCAPCD	74.20	Adhesives and Sealants	October 9, 2018	January 31, 2019.

We proposed to approve these rules because we determined that they comply with the relevant CAA requirements. Our proposed action and associated TSDs contain more information on the rules and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received eight comments. Each of the comments were supportive of the proposed action.

III. EPA Action

No comments were submitted that change our assessment of the rules as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving these rules into the California SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the SCAQMD and the VCAPCD rules described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

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);
- Is not an Executive Order 13771 (82 FR 9339, February 3, 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 the 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 the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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. The 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 26, 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, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Signing Statement

This document of the Environmental Protection Agency was signed on December 11, 2020, by John Busterud, Regional Administrator, Region IX, pursuant to a consent decree entered on December 4, 2020 in *Our Childrens Earth Foundation* v. *Wheeler,* 4:20–cv–00396–JSW (N.D. Cal.). That document with the original signature and date is maintained by EPA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned EPA Official re-signs the document for publication, as an official document of the Environmental Protection Agency. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Dated: December 11, 2020.

John Busterud,

Regional Administrator, Region IX.

Signed in Berkeley on February 5, 2021 by:

Deborah Jordan,

Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(362)(i)(B)(*3*), (c)(429)(i)(A)(*7*), (c)(518)(i)(C), and (c)(545) to read as follows:

§ 52.220 Identification of plan-in part.

* * * * *

(c) * * *

(362) * * *

(i) * * *

(B) * * *

(*3*) Previously approved on December 21, 2009 in paragraph (c)(362)(i)(B)(*1*) of this section and now deleted with replacement in (c)(518)(i)(C)(*1*), Rule 1168, ''Adhesive and Sealant Applications,'' amended on January 7, 2005.

* * * * *

(429) * * *

(i) * * *

(A) * * *

(*7*) Previously approved on August 30, 2013 in paragraph (c)(429)(i)(A)(*1*) of this section and now deleted with replacement in (c)(545)(i)(A)(*1*), Rule 74.20, ''Adhesives and Sealants,'' revised on September 11, 2012.

* * * * *

(518) * * *

(i) * * *

(C) South Coast Air Quality Management District.

(*1*) Rule 1168, ''Adhesive and Sealant Applications,'' amended on October 6, 2017.

(*2*) [Reserved]

* * * * *

(545) New regulations for the following APCDs were submitted on January 31, 2019 by the Governor's designee as an attachment to a letter dated January 23, 2019.

(i) Incorporation by reference.

(A) Ventura County Air Pollution Control District.

(*1*) Rule 74.20, ''Adhesives and Sealants,'' revised on October 9, 2018.

(*2*) [Reserved]

(B) [Reserved]

(ii) [Reserved]

[FR Doc. 2021–02909 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[EPA–R08–OAR–2020–0722; FRL–10019–27–Region 8]

Full Approval of Revised Clean Air Act Operating Permit Program; North Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: With this direct final rule, the Environmental Protection Agency (EPA or the ''Agency'') is promulgating full approval of the revised and recodified North Dakota operating permit program for stationary sources subject to title V of the Clean Air Act (CAA or the ''Act''). On August 6, 2018, North Dakota submitted a request for approval of its revisions to the North Dakota operating permit program (the ''title V program'') for stationary sources subject to title V of the CAA and recodification of the State's title V program under a new title of the North Dakota Administrative Code (NDAC). The EPA determined that the revised and recodified program substantially met the requirements of title V of the Act and Code of Federal Regulations (CFR) but was not fully approvable because the State law provisions for judicial review were not consistent with program requirements found in the CFR. Thus, EPA issued an interim approval of North Dakota's title V program. North Dakota has made the changes required for full program approval. Accordingly, the EPA is taking this action in accordance with the CAA and CFR title V program

approval requirements. This is a direct final action because the action is deemed noncontroversial and we do not expect adverse comments.

DATES: This direct final rule is effective on April 26, 2021 without further notice, unless the EPA receives adverse written comments on or before March 26, 2021. If adverse comments are received, the EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2020–0722. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in *www.regulations.gov.* To reduce the risk of COVID–19 transmission, for this action we do not plan to offer hard copy review of the docket. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Gregory Lohrke, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6396, *lohrke.gregory@epa.gov.*

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

I. Why is EPA using a direct final rule?

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in the Proposed Rules section of today's **Federal Register** publication, the EPA is publishing a separate document that will serve as the proposal to fully approve North Dakota's title V program revisions if relevant adverse comments are filed.

If the EPA receives adverse comments, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. The EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

II. Background

Title V of the CAA as amended (42 U.S.C. 7401 *et seq.*) directs states to develop, and submit to the EPA, programs for issuing operating permits to all major stationary sources and to certain other sources.[1] As required under title V, the EPA has promulgated regulations establishing the minimum elements of an approvable state title V program and defined the corresponding procedures by which the EPA will approve, oversee and, when necessary, withdraw approval of a state title V program.[2] After review of the state's initial program submittal, the EPA may alternatively grant interim approval of a program which substantially meets the requirements of title V and part 70 but which is not fully approvable. In the case of such an interim approval, the EPA will specify the changes that must be made before the program can receive full approval and the state shall resubmit the modified program before expiration of the interim approval.[3]

North Dakota first received interim approval of its title V program effective August 7, 1995 (60 FR 35335). North Dakota's program later received final, full approval effective on August 16, 1999 (64 FR 32433). On August 6, 2018, the State of North Dakota submitted to the EPA a formal request for approval of title V program recodifications and revisions made to facilitate the transfer of permitting authority from the North Dakota Department of Health (NDDH) to a newly established North Dakota Department of Environmental Quality (NDDEQ).[4] During North Dakota's review of the NDAC for recodification and submittal to the EPA for approval, North Dakota found limitations in state law provisions for judicial review in state courts. Accordingly, the Attorney General's Opinion that accompanied North Dakota's submission explained those limitations and committed to submit an addendum to the Opinion when the State adopted rules consistent with the full judicial review requirements in 40 CFR 70.4(b)(3)(x)–(xii).[5] After review, the EPA found that the recodified and revised program substantially met the minimum requirements of the CAA and part 70, but that the EPA could not fully approve the program transfer until the State revised its rules to provide the full legal authority necessary for judicial review.[6] Accordingly, the EPA promulgated an interim approval of North Dakota's title V program transfer effective March 15, 2019. EPA stated that interim approval would expire on March 19, 2020, and required the State to submit changes to the program addressing the judicial review deficiencies no later than six months prior to the expiration of the interim approval.[7] A subsequent action delayed the interim approval's effective date to April 30, 2019, which then delayed the expiration date to May 1, 2020.[8] Accordingly, North Dakota's program revisions addressing the judicial review deficiencies were due no later than November 1, 2019.

III. State Submittal

In our action granting interim approval of North Dakota's title V program transfer, the EPA concluded that North Dakota's title V program transfer was not fully approvable due to a lack of full authority required for judicial review.[9] The EPA explained that interim approval would allow North Dakota to make minor revisions to NDAC section 33.1–15–14–06.8 and update the State Attorney General's Opinion to reflect revised legal authorities.[10] The EPA received an Addendum, dated December 12, 2018, to the August 16, 2018 State Attorney General's Opinion Operating Permits Program (August 16, 2018 Opinion), which states that the regulations regarding petitions for judicial review identified in the August 16, 2018 Opinion ''have been lawfully adopted and shall be fully effective by the time the program is approved.'' [11] The State of North Dakota also submitted clean and redlined copies of the revised NDAC section 33.1–15–14–06.8 with the December 12, 2018 Addendum to the Opinion, which are available in the docket for this action. The revisions to NDAC section 33.1–15–14–06.8 became effective on January 1, 2019.[12]

IV. Final Action

The December 12, 2018 Addendum to North Dakota's Attorney General's Opinion, together with the August 16,

[1] 42 U.S.C. 7661a.

[2] 40 CFR part 70.

[3] 42 U.S.C. 7661a(g); 40 CFR 70.4(e), (f), (i).

[4] 83 FR 53532 (Oct. 30, 2018).

[5] *Id.* at 54535.

[6] 84 FR 3108, 3109 (Feb. 11, 2019).

[7] *Id.*

[8] 84 FR 8260; see also 40 CFR part 70, appendix A.

[9] 83 FR 54536.

[10] *Id.*

[11] Margaret I. Olson, Assistant Attorney General, Addendum to August 16, 2018 Attorney General's Opinion Operating Permits Program, December 12, 2018.

[12] North Dakota Administrative Code, Supplement 371, January 2019, *https://www.legis.nd.gov/agency-rules/administrative-rules-supplement* (last visited November 30, 2020).

2018 Opinion, affirm that the State revised the title V program provisions for judicial review as codified in NDAC section 33.1–15–14–6.8, effective as amended January 1, 2019. Therefore, North Dakota timely submitted revisions to address the deficiencies identified in our interim approval action within six months prior to the interim approval's expiration. Accordingly, the EPA finds that the North Dakota title V program fulfills all criteria for full final approval of the transfer. The EPA is now acting to fully approve the North Dakota title V program under 40 CFR part 70 and CAA section 502.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a state title V program submittal that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7661a(d); 40 CFR 70.1(c), 70.4(i). Thus, in reviewing title V program submittals, the EPA's role is to approve state choices, provided they meet the criteria of the CAA and the criteria, standards and procedures defined in 40 CFR part 70. 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 Operating Permits Program 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 (Public Law 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, this action is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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 26, 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 70

Environmental protection, Air pollution control, Intergovernmental relations, Title V.

Dated: February 11, 2021.

Debra Thomas,

Acting Regional Administrator, Region 8.

40 CFR part 70 is amended as follows:

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 1. The authority citation for part 70 continues to read as follows:

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

■ 2. In appendix A to part 70 the entry for ''North Dakota'' is amended by revising paragraph (d) to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

North Dakota

* * * * *

(d) The State of North Dakota submitted on August 6, 2018, operating permit program revisions and a request to transfer authority to implement and enforce the operating permit program from the North Dakota Department of Health to the North Dakota Department of Environmental Quality. The recodified North Dakota title V operating permits program is codified in N.D. Admin. Code sections 33.1–15–14–06, 33.1–15–23–04, and 33.1–15–21. North Dakota also submitted on August 16, 2018 the, ''Attorney General's Opinion Operating Permits Program,'' which was supplemented on December 12, 2018, with an ''Addendum to August 16, 2018 Attorney General's Opinion Operating Permits Program,'' stating that the laws of the State provide adequate legal authority to carry out all aspects of the program. North Dakota also submitted revisions to state law effective January 1, 2019; full approval effective on April 26, 2021.

* * * * *

[FR Doc. 2021–03267 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0233; FRL–10005–77]

Tetraniliprole; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of tetraniliprole in or on multiple commodities that are identified and discussed later in this document. Bayer CropScience requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 24, 2021. Objections and

requests for hearings must be received on or before April 26, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0233, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

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

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2017–0233 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 26, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2017–0233, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of December 15, 2017 (82 FR 59604) (FRL–9970–50), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 7F8558) by Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the insecticide, tetraniliprole in or on tuberous and corm vegetables, crop group 1C at 0.015 parts per million (ppm); potato, wet peel at 0.02 ppm; leafy vegetables, crop group 4–16 at 20 ppm; *Brassica* head and stem vegetables, crop group 5–16 at 1.5 ppm; fruiting vegetables, crop group 8–10 at 0.40 ppm; tomato paste at 1.5 ppm; citrus fruit, orange subgroup 10–10A at 0.50 ppm; citrus fruit, lemon/lime subgroup 10–10B at 0.80 ppm; citrus fruit, grapefruit subgroup 10–10C at 0.50 ppm; citrus oil at 4.0 ppm; pome fruit, crop group 11–10 at 0.40 ppm; stone fruit, crop group 12–12 at 1.0 ppm; plum, dried (prune) at 2.0 ppm; small fruit, vine climbing subgroup, except fuzzy kiwi, crop subgroup 13–07F at 1.5 ppm; tree nuts, crop group 14–12 at 0.03 ppm; almond hulls at 4.0 ppm; corn, field, grain at 0.015 ppm; corn, field, forage at 4.0 ppm; corn, field, stover at 15 ppm; corn, pop, grain at 0.015 ppm; corn, pop, stover at 15 ppm; corn, sweet, kernel plus cobs with husks removed at 0.01 ppm; corn, sweet, forage at 6.0 ppm; corn, sweet, stover at 20 ppm; cottonseed, crop group 20C at 0.40 ppm; cotton, gin byproducts at 30 ppm; soybean seed at 0.20 ppm; soybean hulls at 0.60 ppm; aspirated grain fractions at 45 ppm; soybean forage at 0.07 ppm; soybean hay at 0.20 ppm; alfalfa, forage and hay at 0.06 ppm; forage, fodder and straw of cereal grains, crop group 16, except field, pop and sweet corn at 0.10 ppm; foliage of legume vegetables, crop group 7, except soybeans at 0.03 ppm; milk at 0.06 ppm; fat of cattle, horses, sheep and goats at 0.30 ppm; muscle of cattle, horses, sheep and goats at 0.03 ppm; meat by-products of cattle, horses, sheep and goats at 0.30 ppm. That document referenced a summary of the petition prepared by Bayer CropScience, the registrant, which is available in the docket, *http://www.regulations.gov.* Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA has modified the levels at which tolerances are being established as well as some of the commodity definitions used. The reasons for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for tetraniliprole including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with tetraniliprole follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The submitted animal toxicity studies on tetraniliprole demonstrate low toxicity, which is expected based on two factors. Tetraniliprole is an anthranilimide insecticide that targets the activation of insect ryanodine receptors, which leads to insect paralysis and death. In contrast, mammalian ryanodine receptors are substantially less sensitive (*i.e.,* 350 to >2,500 times less sensitive) to the effects of anthranilic diamides than insect ryanodine receptors. Moreover, available data indicate that tetraniliprole has limited absorption at the higher dose levels (>20 mg/kg), which may contribute to the low toxicity seen in the animal testing.

In subchronic toxicity studies (28-day and 90-day) in rats and mice, no adverse effects were seen at dose levels ranging from approximately 600 to 1,228 mg/kg/day. In the subchronic studies (28-day and 90-day) in dogs, an increase in the incidence and frequency of salivation was found, but this finding did not show a dose related-response, was a common occurrence in dogs, and was not considered to be adverse.

No systemic or dermal toxicity was seen in a 28-day dermal toxicity study at 1,000 mg/kg/day; this finding was consistent with rather low dermal absorption as the DAF for humans was estimated to be approximately 9% (upper limit).

No adverse maternal or developmental effects were found at the limit dose (1,000 mg/kg/day) in the developmental toxicity studies in rats and rabbits. In the reproduction study, the offspring effect, slight decrease in pup weight near and above the limit dose, was found in the absence of any adverse parental effect. Because the potential increase in susceptibility occurred at the limit dose and on postnatal days (PND) 14 to 21 at which time the pups were exposed to the test material through both milk and food resulting in a higher compound intake, the Agency's concern for the potential risk to infants and children is low. Tetraniliprole did not cause any effects on reproductive parameters.

The combined chronic/carcinogenicity study in rats showed a decrease in body weights, increased incidence of squamous cell hyperplasia in the cervix and vagina, and corpora lutea depletion in the ovary at the limit dose. In addition, a slight increase in the incidence of uterine tumor was observed at a dose slightly above the limit dose. No genotoxic potential was detected in the battery of genotoxicity studies. There were no treatment-related tumors seen in mice and no adverse effects were observed in male rats. The only adverse effects observed in female rats occurred at the limit dose, which was the only dose where pre-neoplastic or neoplastic lesions were observed. Furthermore, there is no concern for mutagenicity and none of the identified structurally-related compounds induced tumors in rats or mice. Based on the available data that indicates that the increased incidence of uterine tumor was seen in only one species (rat), one sex (female), and is only slightly outside of the historical control range, EPA has classified tetraniliprole as having ''suggestive evidence of carcinogenic potential.''

Typically, for chemicals so classified, EPA recommends that a non-linear or RfD approach be used because the RfD would be protective for all toxicity, including carcinogenicity. However, in the case of tetraniliprole, EPA determined that the existing data do not support establishing toxicity endpoints and that a qualitative assessment is more appropriate for assessing tetraniliprole. This analysis is discussed more fully in Unit III.B. below. Similarly, because of the suggestive nature of the carcinogenicity effects and the fact that the only tumor effects are seen at doses above the limit dose, EPA has determined that a qualitative risk assessment would be appropriate in this case to account for all toxicity including carcinogenicity.

No acute and subchronic neurotoxicity studies were submitted for tetraniliprole because this requirement was waived. However, no evidence of neurotoxicity was seen in any of the other studies in the tetraniliprole database.

Specific information on the studies received and the nature of the adverse effects caused by tetraniliprole as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled ''Tetraniliprole: New Active Ingredient, First Food Use. Human Health Risk Assessment for the Establishment of Permanent Tolerances on *Brassica* Head and Stem Vegetables, Corn (Field, Pop and Sweet), Citrus Fruit, Fruiting Vegetables, Leafy Vegetables, Pome Fruit, Small Fruit Vine Growing (except Fuzzy Kiwifruit) including Grape, Soybean, Stone Fruit, Tree Nuts, and Tuberous and Corm Vegetables, Plus Registration for Seed Treatment Uses on Corn (Field, Pop and Sweet), Use on Tobacco, and Use on Golf Course Turf, Sport Fields, and Sod Farms'' on pages 33–69 in docket ID number EPA–HQ–OPP–2017–0233.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are

observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

Based on a thorough analysis of the toxicology database of tetraniliprole, the Agency has determined that a qualitative risk assessment is more appropriate for tetraniliprole based on the following reasons:

- All the adverse effects (decrease in pup body weights and non-neoplastic uterine lesions, characterized by prolapsed vagina, squamous cell hyperplasia in the cervix) in rats were found at or slightly above the limit dose. Although informative for hazard characterization for purposes of risk assessment, a toxicity test dose at or above the limit dose of 1,000 mg/kg/day represents an exposure that is not expected to occur either daily or over an extended period of time and therefore is not relevant to exposure levels expected from the use of tetraniliprole.
- EPA determined that the body weight reduction effects seen in the 90-day and 1-year oral studies with the dog, (approximately 500 mg/kg/day) were not robust enough to be employed as a toxicity endpoint for risk assessment, due to the marginal nature of those effects and the fact that the rat (for which effects were seen at the 1,000 mg/kg/day, limit dose) was more sensitive, based on a human equivalent dose analysis.
- Available data indicate no potential inhalation risk of concern.
- Available data indicate no adverse systemic effects at the limit dose (1,000 mg/kg/day) for dermal exposure.
- Potential offspring susceptibility was not of concern as the decrease in pup weight seen in the reproduction study was marginal and occurred at or above the limit dose (890/1,032 mg/kg/day (males/females)). In addition, the decrease occurred on postnatal days (PND) 14 to 21, at which time the pups were likely to be exposed to the test material through both milk and feed resulting in a much higher compound intake.
- Finally, taking into account expected exposures, EPA does not anticipate dietary exposure levels to occur daily, or over an extended period of time that would reach levels anywhere near that of the limit dose (1,000 mg/kg/day). An unrefined chronic dietary (food only) exposure estimate of tetraniliprole was calculated using tolerance-level residues for all crops and assuming 100% crop treated, as well as default processing factors. The screening estimate indicated that the highest exposure group is children 1 to 2 years old, with an estimated exposure of 0.027 mg/kg/day. To reach a dose of 1,000 mg/kg/day, an individual of this subpopulation would need to ingest 37,000 times the estimated dietary exposure. Further, the highest current application rate is approximately 0.18 lb ai/acre; and in order to yield residues that would lead to dietary exposures of 1,000 mg/kg/day, the application rate would have to be greater than 6,000 lb ai/acre. Consequently, EPA does not believe that an effect at or about the limit dose is relevant to human health risk assessment for tetraniliprole.

Taking all the foregoing into consideration, EPA has concluded that a qualitative analysis of tetraniliprole is appropriate.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* There is potential for exposure to tetraniliprole via food and feed based on the proposed uses. However, no adverse effects were observed in the submitted toxicological studies for tetraniliprole regardless of the route of exposure. Thus, no quantitative dietary exposure assessments are needed for EPA to conclude with reasonable certainty that dietary exposures to tetraniliprole do not pose a significant human health risk.

2. *Dietary exposure from drinking water.* There are no residues of toxicological concern expected in drinking water from the use of tetraniliprole. Thus, no drinking water exposure assessments are needed for the Agency to conclude with reasonable certainty that drinking water exposures to tetraniliprole do not pose a significant human health risk.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Based upon the proposed labels, EPA does not anticipate residential handler exposures. Tetraniliprole is being proposed for registration as a liquid formulation for use on golf course turf and sports fields that could result in residential post-application exposures. However, no adverse effects were observed in the submitted toxicological studies for tetraniliprole regardless of the route of exposure; therefore, a quantitative residential post-application exposure assessment was not conducted. Thus, no residential exposure assessments are needed for the Agency to conclude with reasonable certainty that residential exposures to tetraniliprole do not pose a significant human health risk.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found tetraniliprole to share a common mechanism of toxicity with any other substances, and tetraniliprole does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that tetraniliprole does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

Section 408(b)(2)(C) requires the application of an additional tenfold margin of safety to account for potential risks to infants and children, in the case of threshold effects. For tetraniliprole, EPA has not identified any toxicological endpoints of concern associated with any threshold effects and is conducting a qualitative assessment. That qualitative assessment does not use safety factors for assessing risk, and no additional safety factor is needed for assessing risk to infants and children. EPA has also evaluated the available data and concluded that there are no residual uncertainties concerning the

potential risks to infants and children that would impact its conclusions about threshold effects.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

No adverse effects were observed in the submitted toxicological studies at doses relevant to human health pesticide risk assessment for tetraniliprole regardless of the route of exposure. Effects observed in the data base (*e.g.*, decreased body weight) were both marginal, and only seen at doses not expected to occur daily or over an extended period. Based on a lack of toxicity at exposure levels expected from approved application rates and an expectation that aggregate exposures to residues of tetraniliprole will not reach the levels required to cause any adverse effects, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to tetraniliprole residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

An adequate analytical method (01414) which uses high-performance liquid chromatography with tandem mass spectrometry (HPLC/MS/MS) to quantitate residues of tetraniliprole in various crops is available for enforcement. An adequate HPLC/MS/MS method, Method FV–002–A16–01, is proposed as the enforcement method for determination of residues of tetraniliprole in livestock matrices. The methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established any MRLs for tetraniliprole.

C. Response to Comments

Five comments were received to the notice of filing. Four of the comments were not related specifically to tetraniliprole or pesticides in general, dealing instead with ''anti-environmental morons'', electric cars, and wind farms and their impact on birds and bats. The fifth comment was submitted on behalf of the Center for Biological Diversity that was primarily concerned about EPA's consideration of the impacts of tetraniliprole on the environment, pollinators, and endangered species. None of these comments are relevant to the Agency's evaluation of safety of the tetraniliprole tolerances under section 408 of the FFDCA, which requires the Agency to evaluate the potential harms to human health, not effects on the environment.

D. Revisions to Petitioned-For Tolerances

The Agency is establishing tolerances based on the Organization for Economic Cooperation and Development (OECD) rounding class practice and to reflect the preferred commodity definitions currently used by the Agency, which results in some variations between established tolerances and the tolerances the petitioner requested.

For field corn and popcorn, the available data support a tolerance of 0.01 ppm, slightly lower than the petitioned-for tolerance (0.015 ppm).

The petitioner requested tolerances on dried fruit (prune) and potato wet peel. The available data indicates that residues on those commodities do not concentrate so the new tolerances on stone fruit group 12–12 (1.0 ppm) and vegetable, tuberous and corm, subgroup 1C (0.015 ppm), respectively, are adequate to cover residues in these commodities.

For citrus fruits (subgroups 10–10A, 10B, and 10C), the Agency used the OECD statistical calculation procedures to determine the appropriate tolerance value based on the available field trial residue data, which resulted in a higher tolerance value for each of these subgroups than what the petitioner requested.

Based on the highest average field trial (HAFT) (0.767 ppm) for lime and using a processing factor of 8.6, the Agency calculated that a tolerance of 7 ppm is necessary to cover residues in citrus oil. Similarly, based on the HAFT (0.136 ppm) for soybean seed and using a processing factor of 2.6, the Agency determined that a tolerance of 0.4 ppm is appropriate for soybean hulls.

Although the petitioner did not expressly identify certain tolerances as intended to cover indirect or inadvertent residues in rotational crops, because certain crops are only approved as crops that may be rotated into treated fields on the label, EPA is establishing tolerances for indirect or inadvertent residues for those commodities: alfalfa, forage at 0.015 ppm; alfalfa, hay at 0.06 ppm; cottonseed subgroup 20C at 0.4 ppm; cotton, gin byproducts at 30 ppm; grain, cereal, forage, fodder, and straw, group 16, except field corn, popcorn, and sweet corn at 0.1 ppm; and vegetable, foliage of legume, except soybean, subgroup 7A.

All the proposed tolerances for livestock commodities were revised based on calculation of the dietary burden.

V. Conclusion

Therefore, tolerances are established for residues of tetraniliprole, including its metabolites and degradates. Compliance with the tolerance levels is to be determined by measuring only tetraniliprole 1-(3-chloro-2-pyridinyl)-N-[4-cyano-2-methyl-6-[(methylamino)carbonyl]phenyl]-3-[[5-(trifluoromethyl)-2H-tetrazol-2-yl]methyl]-1H-pyrazole-5-carboxamide, in or on almond, hulls at 4 ppm; cattle, fat at 0.04 ppm; cattle, meat at 0.02 ppm; cattle, meat byproducts at 0.3 ppm; corn, field, forage at 4 ppm; corn, field, grain at 0.01 ppm; corn, field, stover at 15 ppm; corn, pop, grain at 0.01 ppm; corn, pop, stover at 15 ppm; corn, sweet, forage at 6 ppm; corn, sweet, kernel plus cob with husks removed at 0.01 ppm; corn, sweet, stover at 20 ppm; fruit, citrus, group 10–10, oil at 7 ppm; fruit, pome, group 11–10 at 0.5 ppm; fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 1.5 ppm; fruit, stone, group 12–12 at 1 ppm; goat, fat at 0.04 ppm; goat, meat at 0.02 ppm; goat, meat byproducts at 0.3 ppm; grain, aspirated fractions at 50 ppm; grapefruit

subgroup 10–10C at 0.9 ppm; horse, fat at 0.04 ppm; horse, meat at 0.02 ppm; horse, meat byproducts at 0.3 ppm; lemon/lime subgroup 10–10B at 1.5 ppm; milk at 0.05 ppm; nut, tree, group 14–12 at 0.03 ppm; orange subgroup 10–10A at 1 ppm; sheep, fat at 0.04 ppm; sheep, meat at 0.02 ppm; sheep, meat byproducts at 0.3 ppm; soybean, forage 0.07 ppm; soybean, hay at 0.2 ppm; soybean, hulls at 0.4 ppm; soybean, seed at 0.2 ppm; tomato, paste at 1.5 ppm; vegetable, *brassica,* head and stem, group 5–16 at 1.5 ppm; vegetable, fruiting, group 8–10 at 0.4 ppm; vegetable, leafy, group 4–16 at 20 ppm; and vegetable, tuberous and corm, subgroup 1C at 0.015 ppm.

Additionally, tolerances are established for inadvertent residues of tetraniliprole, including its metabolites and degradates. Compliance with the tolerance levels is to be determined by measuring only tetraniliprole 1-(3-chloro-2-pyridinyl)-N-[4-cyano-2-methyl-6-[(methylamino)carbonyl]phenyl]-3-[[5-(trifluoromethyl)-2H-tetrazol-2-yl]methyl]-1H-pyrazole-5-carboxamide in or on alfalfa, forage at 0.015 ppm; alfalfa, hay at 0.06 ppm; cotton, gin byproducts at 30 ppm; cottonseed subgroup 20C at 0.4 ppm; grain, cereal, forage, fodder and straw, group 16, except field corn, popcorn, and sweet corn at 0.1 ppm; and vegetable, foliage of legume, except soybean, subgroup 7A at 0.03 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 19, 2021.

Edward Messina,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.709 to read as follows:

§ 180.709 Tetraniliprole; tolerances for residues.

(a) *General.* Tolerances are established for residues of tetraniliprole, including its metabolites and degradates, in or on the commodities in table 1 in this paragraph (a). Compliance with the tolerance levels specified in table 1 in this paragraph (a) is to be determined by measuring only tetraniliprole 1-(3-chloro-2-pyridinyl)-*N*-[4-cyano-2-methyl-6-[(methylamino)carbonyl]phenyl]-3-[[5-(trifluoromethyl)-2*H*-tetrazol-2-yl]methyl]-1*H*-pyrazole-5-carboxamide.

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
Almond, hulls	4
Cattle, fat	0.04
Cattle, meat	0.02
Cattle, meat byproducts	0.3
Corn, field, forage	4
Corn, field, grain	0.01
Corn, field, stover	15

TABLE 1 TO PARAGRAPH (a)—Continued

Commodity	Parts per million
Corn, pop, grain	0.01
Corn, pop, stover	15
Corn, sweet, forage	6
Corn, sweet, kernel plus cob with husks removed	0.01
Corn, sweet, stover	20
Fruit, citrus, group 10–10, oil	7
Fruit, pome, group 11–10	0.5
Fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F	1.5
Fruit, stone, group 12–12	1
Goat, fat	0.04
Goat, meat	0.02
Goat, meat byproducts	0.3
Grain, aspirated fractions	50
Grapefruit subgroup 10–10C	0.9
Horse, fat	0.04
Horse, meat	0.02
Horse, meat byproducts	0.3
Lemon/lime subgroup 10–10B	1.5
Milk	0.05
Nut, tree, group 14–12	0.03
Orange subgroup 10–10A	1
Sheep, fat	0.04
Sheep, meat	0.02
Sheep, meat byproducts	0.3
Soybean, forage	0.07
Soybean, hay	0.2
Soybean, hulls	0.4
Soybean, seed	0.2
Tomato, paste	1.5
Vegetable, brassica, head and stem, group 5–16	1.5
Vegetable, fruiting, group 8–10	0.4
Vegetable, leafy, group 4–16	20
Vegetable, tuberous and corm, subgroup 1C	0.015

(b)–(c) [Reserved]

(d) *Indirect or inadvertent residues.* Tolerances are established for indirect or inadvertent residues of tetraniliprole, including its metabolites and degradates, in or on the commodities in table 2 in this paragraph (d). Compliance with the tolerance levels specified in table 2 in this paragraph (d) is to be determined by measuring only tetraniliprole 1-(3-chloro-2-pyridinyl)-*N*-[4-cyano-2-methyl-6-[(methylamino)carbonyl]phenyl]-3-[[5-(trifluoromethyl)-2*H*-tetrazol-2-yl]methyl]-1*H*-pyrazole-5-carboxamide.

TABLE 2 TO PARAGRAPH (d)

Commodity	Parts per million
Alfalfa, forage	0.015
Alfalfa, hay	0.06
Cotton, gin byproducts	30
Cottonseed subgroup 20C	0.4
Grain, cereal, forage, fodder and straw, group 16, except field corn, popcorn and sweet corn	0.1
Vegetable, foliage of legume, except soybean, subgroup 7A	0.03

[FR Doc. 2021–03624 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Parts 160 and 164

Enforcement Discretion Regarding Online or Web-Based Scheduling Applications for the Scheduling of Individual Appointments for COVID–19 Vaccination During the COVID–19 Nationwide Public Health Emergency

AGENCY: Office of the Secretary, HHS.

ACTION: Notification of Enforcement Discretion.

SUMMARY: This Notification is to inform the public that the Department of Health and Human Services (HHS) is exercising its discretion in how it applies the Privacy, Security, and Breach Notification Rules promulgated under the Health Insurance Portability and Accountability Act of 1996 and the Health Information Technology for Economic and Clinical Health (HITECH) Act (''HIPAA Rules''). As a matter of

enforcement discretion, the HHS Office for Civil Rights (OCR) will not impose penalties for noncompliance with regulatory requirements under the HIPAA Rules against covered health care providers or their business associates in connection with the good faith use of online or web-based scheduling applications for the scheduling of individual appointments for COVID–19 vaccinations during the COVID–19 nationwide public health emergency.

DATES: This Notification of Enforcement Discretion went into effect on December 11, 2020, and will remain in effect until the Secretary of HHS determines that the public health emergency no longer exists, or upon the expiration date of the public health emergency, including any extensions (as determined by 42 U.S.C. 247d), whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Rachel Seeger at (202) 619–0403 or (800) 537–7697 (TDD).

SUPPLEMENTARY INFORMATION: HHS is informing the public that it is exercising its discretion in how it applies the Privacy, Security, and Breach Notification Rules under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) [1] and the Health Information Technology for Economic and Clinical Health (HITECH) Act [2] (''HIPAA Rules'') during the nationwide public health emergency declared by the Secretary of HHS.[3]

I. Background

The Office for Civil Rights (OCR) at HHS is responsible for enforcing certain regulations issued under HIPAA and the HITECH Act, to protect the privacy and security of protected health information (PHI), namely the HIPAA Privacy, Security, and Breach Notification Rules (''HIPAA Rules'').

During the COVID–19 national emergency,[4] which also constitutes a nationwide public health emergency,[5] certain covered health care providers,[6] including some large pharmacy chains and public health authorities,[7] or their business associates acting for or on behalf of such providers, may choose to use online or web-based scheduling applications (collectively, ''WBSAs'') for the limited purpose of scheduling individual appointments for COVID–19 vaccination. For the purposes of this Notification, a WBSA is a non-public facing online or web-based application that provides scheduling of individual appointments for services in connection with large-scale COVID–19 vaccination. ''Non-public facing'' means that a WBSA, as a default, allows only the intended parties (*e.g.,* a covered health care provider, the individual or personal representative scheduling the appointment, and a WBSA workforce member, if needed to provide technical support) to access data created, received, maintained, or transmitted by the WBSA. For the purposes of this Notification, a WBSA does not include appointment scheduling technology that connects directly to electronic health records (EHR) systems used by covered entities.

The HIPAA Privacy Rule permits a business associate of a HIPAA covered entity to use and disclose PHI to conduct certain activities or functions on behalf of the covered entity, or provide certain services to or for the covered entity, but only pursuant to the explicit terms of a business associate contract or other written agreement or arrangement under 45 CFR 164.502(e)(2) (collectively, ''business associate agreement'' or BAA), or as required by law. During the COVID–19 public health emergency, covered health care providers need to quickly schedule large numbers of individuals for appointments for COVID–19 vaccination and may use WBSAs to do so. Some of these applications, and the manner in which HIPAA covered health care providers or their business associates use the applications, may not fully comply with the requirements of the HIPAA Rules. Additionally, the vendors of such applications may not be aware that HIPAA covered health care providers are using their products to create, receive, maintain, or transmit electronic protected health information (ePHI), and that a WBSA vendor may, as a result, meet the definition of business associate under the HIPAA Rules.[8]

OCR will exercise its enforcement discretion and will not impose penalties for noncompliance with regulatory requirements under the HIPAA Rules against covered health care providers and their business associates, including WBSA vendors meeting the definition of a business associate, in connection with the good faith use of a WBSA for scheduling appointments for individuals for COVID–19 vaccination during the COVID–19 nationwide public health emergency, as described below.

II. Who/what is covered by this Notification?

This Notification applies to all HIPAA covered health care providers and their business associates [9] when such entities are, in good faith, using WBSAs to schedule individual appointments for COVID–19 vaccination.

This Notification also applies to all vendors of WBSAs whose technology is being used by a covered health care provider or its business associate to schedule individuals to receive a COVID–19 vaccine. OCR will exercise enforcement discretion with regard to WBSA vendors regardless of whether the WBSA vendor has actual or constructive knowledge that it meets the definition of a business associate under the HIPAA Rules as described in this Notification.

[1] Public Law 104–191, 100 Stat. 2548 (August 21, 1996). Due to the public health emergency posed by COVID–19, the HHS Office for Civil Rights (OCR) is exercising its enforcement discretion under the conditions outlined herein. We believe that this guidance is a statement of agency policy not subject to the notice and comment requirements of the Administrative Procedure Act (APA). 5 U.S.C. 553(b)(3)(A). OCR additionally finds that, even if this guidance were subject to the public participation provisions of the APA, prior notice and comment for this guidance is impracticable, and there is good cause to issue this guidance without prior public comment and without a delayed effective date. 5 U.S.C. 553(b)(3)(B) & (d)(3).

[2] Title XIII of the American Recovery and Reinvestment Act, Public Law 111–5, 123 Stat. 226 (February 17, 2009).

[3] *See* Determination that a Public Health Emergency Exists by the HHS Secretary, pursuant to Section 319 of the Public Health Service Act (January 31, 2020), *available at https://www.phe.gov/emergency/news/healthactions/phe/Pages/2019-nCoV.aspx (Determination of January 31, 2020). See also* Renewal of Determination That a Public Health Emergency Exists (January 7, 2021), *available at https://www.phe.gov/emergency/news/healthactions/phe/Pages/covid19-07Jan2021.aspx.* For more information, see *https://www.phe.gov/emergency/news/healthactions/phe/Pages/2019-nCoV.aspx.*

[4] *See* Presidential Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak (Mar. 13, 2020), *available at https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/.*

[5] Determination of Jan. 31, 2020.

[6] *See* 45 CFR 160.103 (definition of ''covered entity'').

[7] *See* 45 CFR 164.501 (definition of ''public health authority''). The HIPAA Rules only apply to a public health authority if it is a HIPAA covered entity or business associate. For example, a county health department that administers a health plan, or provides health care services for which it conducts standard electronic transactions (*e.g.,* checking eligibility for coverage, billing insurance), is a HIPAA covered entity. A public health authority that does not meet the definition of a covered entity or business associate is not subject to the HIPAA Rules. *See also* OCR FAQ, ''Are state, county or local health departments required to comply with the HIPAA Privacy Rule?'' *https://www.hhs.gov/hipaa/for-professionals/faq/358/are-state-county-or-local-health-departments-required-to-comply-with-hipaa/index.html.*

[8] *See* 45 CFR 160.103 (definition of ''electronic protected health information'').

[9] *See* 45 CFR 160.103 (definition of ''business associate'').

III. What are reasonable safeguards that covered health care providers and their business associates should consider implementing?

OCR encourages covered health care providers and their business associates using WBSAs in good faith for the scheduling of individual appointments for COVID–19 vaccination to implement reasonable safeguards to protect the privacy and security of individuals' PHI. OCR recommends that covered health care providers and their business associates consider the following recommended reasonable safeguards:

- Using and disclosing only the minimum PHI necessary for the purpose (*e.g.,* an individual's name and phone number may be the minimum necessary PHI for scheduling the appointment).
- Using encryption technology to protect PHI.
- Enabling all available privacy settings (*e.g.,* adjusting WSBA calendar display settings, as needed, to hide names or show only individuals' initials instead of full names on calendar screens).
- Ensuring that storage of any PHI (including metadata that constitutes PHI) by the vendor is only temporary (*e.g.,* the PHI is returned to the covered health care provider or destroyed as soon as practicable, but no later than 30 days after the appointment).[10]
- Ensuring the WBSA vendor does not use or disclose ePHI in a manner that is inconsistent with the HIPAA Rules (*e.g.,* does not engage in the sale of ePHI[11] collected from individuals using the WBSA to schedule a COVID–19 vaccination).

Although covered health care providers and business associates are encouraged to implement these reasonable safeguards when using a WBSA to schedule individuals for appointments for COVID–19 vaccination, OCR will exercise its enforcement discretion and not impose penalties for noncompliance with the regulatory requirements under the HIPAA Rules against covered health care providers or their business associates in connection with the good faith provision of COVID–19 vaccination during the COVID–19 nationwide public health emergency. Failure to implement the recommended reasonable safeguards above will not, in itself, cause OCR to determine that a covered health care provider or its business associate failed to act in good faith for purposes of this Notification.

Covered health care providers and their business associates that seek additional privacy protections for ePHI collected while using WBSAs are encouraged to use application vendors that represent that their WBSAs support compliance with the HIPAA Rules and that the vendors will enter into BAAs in connection with the use of their WBSAs.

Note: OCR does not endorse, certify, or recommend specific technology, software, applications, or products.

IV. Who/what is not covered under this Notification?

This Notification does not apply to activities of a covered health care provider and its business associates other than the scheduling of COVID–19 vaccinations. Other activities, such as the handling of PHI unrelated to the scheduling of COVID–19 vaccinations, are not included within the scope of this exercise of enforcement discretion. Potential HIPAA penalties still apply to all other HIPAA-covered operations of the covered health care provider and its business associates, unless otherwise stated by OCR.[12]

Additionally, this Notification does not apply to a covered health care provider or business associate when it fails to act in good faith. For example, OCR will not consider a covered health care provider or business associate to be acting in good faith with respect to the use of a WBSA for the scheduling of individual appointments for COVID–19 vaccination where the covered health care provider or business associate uses a WBSA:

- Whose terms of service prohibit the use of the WBSA for scheduling health care services or state that the WBSA may sell personal information that it collects.
- To conduct services other than scheduling appointments for COVID–19 vaccination (*e.g.,* to determine individuals' eligibility for COVID–19 vaccination).
- Without reasonable security safeguards (*e.g.,* access controls) to prevent the PHI from being readily accessed or viewed by unauthorized persons.
- To screen individuals for COVID–19 prior to individuals' in-person health care visits.

V. Collection of Information Requirements

This Notification of Enforcement Discretion creates no legal obligations and no legal rights. Because this notice imposes no information collection requirements, it need not be reviewed by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: February 12, 2021.

Robinsue Frohboese

Acting Director and Principal Deputy Director, Office for Civil Rights, U.S. Department of Health and Human Services.

[FR Doc. 2021–03348 Filed 2–23–21; 8:45 am]

BILLING CODE 4153–01–P

[10] Once the WBSA vendor securely returns or destroys the ePHI (as determined by its arrangements with the covered health care provider), the WBSA vendor is no longer a business associate to that covered health care provider.

[11] *See* 45 CFR 164.502(a)(5)(B)(2).

[12] OCR's Notifications of Enforcement Discretion and other materials relating to the COVID–19 public health emergency are available at *https://www.hhs.gov/hipaa/for-professionals/special-topics/hipaa-covid19/index.html.*

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2522 and 2540

RIN 3045–AA69

National Service Criminal History Check

AGENCY: Corporation for National and Community Service.

ACTION: Final rule.

SUMMARY: The Corporation for National and Community Service (CNCS) revised existing National Service Criminal History Check (NSCHC) regulations under the National and Community Service Act of 1990, as amended. These revisions will clarify and simplify the NSCHC requirements.

DATES: This rule is effective May 1, 2021.

FOR FURTHER INFORMATION CONTACT: Amy Borgstrom at the Corporation for National and Community Service, 250 E Street SW, Washington, DC 20525, *aborgstrom@cns.gov,* phone 202–422–2781.

SUPPLEMENTARY INFORMATION:

I. Background

CNCS, which operates as AmeriCorps, is updating its National Service Criminal History Check (NSCHC) regulations. The agency first established its NSCHC regulation in 2007. In 2009, Congress codified NSCHC requirements in Section 189D of the National and Community Service Act of 1990 (NCSA), as amended by the Serve America Act. The agency issued regulations in 2009 and 2012 implementing the Serve America Act NSCHC provisions.

Grant recipient and subrecipient compliance with the NSCHC requirements has been an ongoing

challenge. Successful implementation of the NSCHC process by grant recipients has been frustrated, in part, by variable access to state sources of criminal history record information, requirements of state law, and restrictions on sharing information. As such, Congressional hearings and the agency's Office of the Inspector General (OIG) reports have highlighted grantee noncompliance with this important statutory requirement.

Improving the agency's core functions—including eliminating barriers to compliance—is a primary goal of the agency's Transformation and Sustainability Plan. In pursuit of that goal, the agency approved vendors that grant recipients may use to obtain the required NSCHC components. Since November 2018, grant recipients and subrecipients have been able to establish accounts and obtain the required National Sex Offender Public website (NSOPW.gov), state, and FBI components of the NSCHC through the approved vendors. Additionally, to help ensure grantee compliance with NSCHC requirements, the agency made grant funds available so that grant recipients could recheck persons who needed to have an NSCHC conducted. And for those grant recipients who took the opportunity to ensure compliance by rechecking persons in covered positions, the agency announced that it would not, except in limited circumstances, take enforcement action for past noncompliance. As of July 2020, grant recipients have conducted over 233,000 check components through the agency-approved vendors.

Grant recipients must ensure that they identify individuals who need an NSCHC and ensure that it is done on time. The NSCHC must be conducted as a matter of law, and as a condition of receiving grant funds for individuals in covered positions working or serving under: operational grants provided by AmeriCorps State and National, Foster Grandparent Program Grants, Retired and Senior Volunteer Program Grants, Senior Companion Program Grants, AmeriCorps Seniors Demonstration Program Grants that receive funding from CNCS, Martin Luther King, Jr. Day of Service Grants, September 11th Day of Service Grants, Social Innovation Fund Grants, Volunteer Generation Fund Grants, AmeriCorps VISTA Program Grants, or AmeriCorps VISTA Support Grants. Section 189D of the NCSA and these regulations do not apply to AmeriCorps NCCC and or AmeriCorps VISTA members, who serve in Federally-operated programs that have separate criminal history check requirements. For the purpose of the NSCHC, individuals in covered positions are: The staff working under these grants, AmeriCorps State and National members, AmeriCorps Seniors volunteers in the Foster Grandparent and Senior Companion programs who receive a stipend.

II. Discussion of the Final Rule

The agency published a notice of proposed Federal rulemaking in the **Federal Register** on January 8, 2020, 85 FR 859. The final rule reflects the agency's consideration of the comments received and clarifies several requirements. In addition, the rule reflects technical corrections to the proposed language.

Agency-approved vendors provide grant recipients a path to obtaining the required NSCHC components. As stated in the Notice of Proposed Rulemaking, preliminary analysis of the agency's FY 2019 Improper Payments Elimination and Recovery Act (IPERA) test transactions demonstrated that use of the CNCS-approved NSCHC vendors by grantees resolved the NSCHC component of the improper payment transactions in 88% of the transactions for which the NSCHC component rendered the payment improper. The intent of the final rule is to emphasize the impact and availability of agency-approved vendors and to clarify and simplify the NSCHC requirements.

The final rule does not require grant recipients to establish accounts and conduct checks through the agency-approved vendors. However, the vendors remain a proven pathway for timely NSCHC compliance. Many commenters stated that they had access to affordable NSCHC component checks, other than those provided by the agency-approved vendors. The agency strongly encourages the use of the agency-approved vendors because use of the vendors allows grant recipients to reliably demonstrate compliance and eligibility. In addition, the final rule clarifies that individuals who turn 18 while working or serving in a covered position must get an NSCHC if they serve a consecutive term.

The final rule retains many of the other proposed changes. As proposed, the final rule establishes a single set of NSCHC check components, regardless of whether an individual has recurring access to vulnerable populations. The final rule also establishes that the NSCHC must be completed before an individual works or serves in a covered position. Further, it establishes a requirement that, by November 1, 2021, staff, members, or volunteers who remain on or after November 1, 2021 in a position for which an NSCHC is required under the final rule complete an NSCHC that complies with the final rule.

III. Comments and Responses

The agency published the proposed rule on January 8, 2020 (84 FR 859), in the **Federal Register** with a 60-day comment period and received over 280 comments. More than 75 percent of the commenters indicated they were current AmeriCorps State and National or AmeriCorps Seniors grant recipients subject to the rule.

Generally, the commenters opposed the proposed mandatory use of the agency-approved vendors to obtain the NSCHC component checks—the nationwide NSOPW check of all jurisdictions, including Tribes, states, and territories; state criminal history repository checks; and fingerprint-based FBI checks. While timely use of the vendor would ensure grant recipients' statutory compliance and, accordingly, reduce the agency's improper payment rate, commenters articulated how mandatory use of the vendors complicated their processes, and, in response to those comments, the agency has decided not to make agency-approved vendors the sole option for grant recipients and subrecipients to obtain NSCHC components.

Some commenters suggested that the agency decouple NSCHC from its Improper Payments Elimination and Recovery Act (IPERA) testing. The agency has never linked or targeted NSCHC compliance as a specific line of inquiry in its Improper Payments Elimination and Recovery Act (IPERA) testing. The guidance for executing IPERA is established by the Office of Management and Budget. Under that guidance and the IPERA statutes, payments to covered individuals who have incomplete or missing NSCHC checks when they received a payment that is included within an IPERA sample qualify as improper payments, as eligibility cannot be established at the time of payment (even if the individuals involved are later cleared in compliant checks). The frequency of NSCHC-based IPERA findings arises from the fact that a large portion of the agency's grant funds are used to make compensation and other payments to covered individuals. Nothing that the agency could write in its NSCHC regulations would alter the frequency that use of grant funds trigger NSCHC requirements, or that incomplete, incorrect or undocumented NSCHC checks will be considered improper payments under IPERA.

Commenters generally reflected an appreciation for the value of a criminal

history background check as part of a comprehensive screening process. And many commenters articulated how they are subject to several background check requirements from various sources and have tailored their screening and vetting procedures to conform with those required by state law or best practices or site requirements. The commenters asserted that the agency's requirements are yet another burden and suggested that the agency remove the requirement or broaden exemptions. The agency's legislation is prescriptive and creates an obligation to ensure that grant recipients comply with the law. The agency wants to ensure that grant recipients meet the basic requirements of the rule and can easily document compliance with the requirements. Commenters expressed a desire for ease of administration and minimal duplication of process. However, the IPERA data reflects that many grant recipients could not demonstrate that they conducted the required components on time, and the agency does not find a sufficient basis to embrace the relaxed approach suggested by some commenters.

Commenters supported elimination of the requirement for staff to obtain criminal history checks under planning grants, non-profit capacity building grants, and on fixed-award grants, again, with some commenters expressing support for expansion of categories of exemptions. In addition, commenters expressed support for the elimination of the requirement to conduct criminal history checks of individuals under the age of 18 at the time they start service or employment. And, commenters also expressed support for extending the time period for which a grant recipient must re-check a person after a break in service or employment with the same organization from 120 days to 180 days.

The final rule has been modified in response to the comments provided. The comments and CNCS's responses are set forth below:

Comment: CNCS received positive comments on eliminating the requirement for grant recipients to conduct criminal history checks on employees of organizations with planning grants and staff on fixed-amount grants. Some commenters requested that exemptions from NSCHCs extend to additional CNCS grants such as the Volunteer Generation Fund, and the Martin Luther King and 9/11 Day of Service grants.

Response: The agency balanced the statutory requirements articulated in 42 U.S.C. 12645g to protect vulnerable populations being served by programs, the needs of the agency to efficiently monitor programs, and the administration of the requirements by grant recipients. Fixed-amount grant recipients receive a fixed amount per member service year and do not identify specific staff positions on a grant budget. Relying on information provided in the narrative text of fixed-amount grant applications to identify persons for whom the NSCHC was required, led, at times, to requiring checks for persons who would never be included if the program were funded under a cost reimbursement grant. It also led to uncertainty in determining whether a position was covered or not. Fixed-amount grants are intended to optimize efficiency in grantmaking. Fixed-amount grant recipients are provided a sum of money that is significantly less than what is needed to implement the program. The additional resources required to implement the program are the responsibility of the recipient. Fixed-amount grant recipients are not required to track spending or a specified percentage of matching funds, and federal agencies focus on grant recipient performance rather than grant recipient accounting. To require fixed-amount grantees to track funds in the same manner that cost reimbursement grant recipients do, for the purpose of determining whether or not a person is covered by the rule, would disrupt the statutory scheme of fixed-amount grants. In order to eliminate ambiguity and create a rule that can be easily applied with parity, the agency determined that the staff who implement fixed-amount grants should be exempt from the criminal history check requirement, under its authority to exempt individuals from the requirements for good cause under section 189D. While the agency encourages organizations to implement criminal history checks as part of a comprehensive screening procedure to reduce risk to vulnerable populations, which could include staff who implement fixed-amount grant activities, the agency finds that clarifying the applicability of the rule resolves the current ambiguous state.

The agency considered the comments regarding eliminating the applicability of the NSCHC to other grants, such as the Martin Luther King, Jr. and September 11th Day of Service grants and Volunteer Generation Fund grants. The agency declines to exempt these grants from the NSCHC requirements, as the grants issued are used to pay the salaries of persons reflected on a grant award who are implementing a day of service grant or otherwise covered grant program and the agency did not find a sufficient basis to exclude them from the statutory requirements.

Comment: The agency received positive comments about not requiring an NSCHC for individuals under the age of 18 at the start of their service. Some commenters expressed a desire for the agency to expand exemptions to participants and employees who may already receive criminal history checks because of their profession.

Response: The agency finds that good cause exists to exempt those under the age of 18 from the NSCHC requirements and establishes the person's start date as the operative date for determining the person's age. Congress specified that a check for those serving with vulnerable populations applied only for those who were 18 or older, but did not specify the age requirement for being subject to the NSCHC for persons who serve with nonvulnerable populations, leaving it subject to the regulations and requirements established by the agency. Because Congress provided language in the statute that stated additional NSCHC components were required only for those 18 or older, the agency finds the age specified in the legislation to be a reasonable basis to establish parity in the age at which a baseline NSCHC is required. The agency encourages grant recipients to ask all applicants about any disqualifying criminal history and conduct an NSOPW search, but in the interest of clarity and consistency in application of the final rule, finds that an NSCHC for those under 18 years of age is not required by the regulation.

The agency has considered exemptions for certain professions in the past, and understands that there may be a reasonable basis to exempt certain professions from the NSCHC requirement. However, due to the variability of states' standards for rendering clearance decisions, and in pursuit of clarity in application and ease of monitoring, the agency has decided against including profession-based exceptions in the final rule. For situations where grant recipients demonstrate that an administrative modification to the rule is necessary, the final rule includes a waiver provision. Rather than codifying exemptions, the agency may evaluate facts and circumstances, in a particular case or in a class of cases, that necessitate administrative modifications to the process through the waiver provision.

Comment: Some commenters expressed support for requiring programs to obtain criminal history check results through designated vendors because it simplified the process and provided a consistent, timely and reliable method. However,

many commenters expressed objections to the requirement for mandatory use of designated vendors based on administrative burden, geographical and technical challenges, asserted inadequacy of the information provided, challenges with the service, added costs to programs and challenges in establishing accounts with vendors. For commenters who acknowledged the benefit of the vendor, some indicated that while use of agency-approved vendors may satisfy the statutory requirements, grant recipients also use the criminal history check results to make determination of suitability in addition to eligibility. Agency-approved vendor criminal history check results—which, in the case of the FBI check provides a ''cleared'' or ''not cleared'' recommendation based on whether or not the individual has been convicted of murder or an offense requiring registration as a sex offender, rather than providing a list of arrests and convictions—do not help a grant recipient determine suitability based on other criteria (*e.g.,* a program that involves driving wanting to know if a person had recent DUI convictions). As a result, grant recipients must conduct duplicate or supplemental criminal history checks at additional expense, which is an allowable cost under grants, in order to meet local requirements. Commenters also noted that no criminal history check vendor has complete coverage or access to all state criminal history record repositories, creating coverage gaps for locations excluded from vendor access. In these circumstances, the vendor check may not satisfy local clearance requirements. In other instances, commenters noted that, for them, getting results through a state repository may be more economical and convenient than working through agency-approved vendors. Commenters also articulated that using agency-approved vendors required a level of technological savviness or accessibility that some grantee organizations or some people working or serving under the grants might not have. Commenters also noted that in some areas, vendor fingerprint collection locations may be prohibitively inconvenient for persons who do not have transportation or who need a location that is accessible to those with disabilities. Several commenters suggested that having both agency-approved vendors and state repositories as options for obtaining NSCHC components was satisfactory.

Response: The agency strongly encourages use of the approved vendors, though use of the approved vendors is not the sole method through which a grant recipient or subrecipient may obtain NSCHC components. The grant recipient community dramatically improved NSCHC compliance through use of the vendors, as reflected in the agency's IPERA analysis. Use of the vendors allows for timely compliance monitoring, which reduces the risk of adverse enforcement action. However, after careful consideration of the comments and the expression by commenters that they are able to obtain NSCHC checks that more closely meet their specific needs using methods other than the agency-approved vendors, the agency decided not to include the requirement to use the agency-approved vendors in the final rule. The agency will continue to implement effective enforcement to ensure grant recipients demonstrate timely compliance with the requirements of the final rule.

Comment: The agency received comments on the requirement to conduct, review, and adjudicate a person's criminal history check results before the person may start service or work under a grant. Some commenters expressed that it was inconvenient to complete the background checking process before the start of service or employment because, at times, there may be delays or lack of responsiveness on the part of criminal history repositories, vendors, or because of other aspects of their onboarding process. Commenters stated they believe the new requirement would result in delayed startup and was unnecessary, as most programs conduct training and orientation in the first few days of service, which limits access to vulnerable populations. Further, some commenters stated that the agency's timing of grant awards makes compliance unduly burdensome, as they are unable to take steps to enroll members, including the NSCHC, under the grant until it is awarded.

Response: The agency considered the challenges posed by potential delayed return of criminal history results and determined that establishing a clear requirement would eliminate longstanding confusion about when the NSCHC needs to be performed, how accompaniment of individuals with pending checks should be documented, and whether an individual has been determined to be eligible prior to a grant recipient incurring costs. Further, determining by the day before a person begins work or service on the grant that they do not have a disqualifying conviction protects program beneficiaries and the community from potential harm. The desire to resolve any uncertainty related to NSCHCs outweighs the impact on programs that desire to start employees or participants before they are cleared. Some of the commenters also suggested that because the statute does not require the check to be completed prior to service, the agency should not specify a time by which NSCHCs should be completed. The agency declines to adopt the proposed change because the value of the NSCHC is in knowing in advance whether a person has been convicted of murder or a sex offense requiring registration. Some commenters stated that there is not an ineligibility problem in the agency's programs—meaning that the rate at which ineligible individuals are discovered through the NSCHC process is so low as to make the process unnecessary. Commenters implied that not having a significant number of ineligible individuals in covered positions should be a basis to have a rule flexible enough for individuals in covered positions to fulfill the NSCHC requirements on the last day of service or even after service ends. However, the agency views the fact that most persons who apply to serve through the agency's programs are eligible as a reason to continue to ensure that minimal screening takes place prior to service, to ensure that ineligible individuals do not serve. The agency encourages grant recipients who have onboarding challenges related to the timing of a grant being awarded to contact the agency. The agency will work with the grantee to ensure that timing of the grant award does not unreasonably prevent a grant recipient from taking timely action to comply with the rule.

Comment: Commenters objected to the requirement to check, within 180 days, any covered individuals not previously cleared through the designated vendors. Many commenters expressed this was burdensome and unnecessary. Some commenters asserted that to require individuals cleared under a prior rule was contrary to law, as the agency had limited authority to change a condition of the grant after it was awarded.

Response: After considering the comments, the agency decided to retain the requirement that within 180 days of the effective date of the rule, any individual who continues in a covered position must have an NSCHC that complies with the final rule, in order to establish clarity and consistency in the NSCHC requirements. That is, each person in a covered position who continues to work or serve on or after November 1, 2021 must have a check that complies with this regulation. They must be able to show that all three required components—the NSOPW, the

state check(s), and the FBI check—were conducted and reviewed before November 1, 2021. While the November 1, 2021 date is slightly more than 180 days from the effective date, the agency believes that the additional three calendar days and first of the month start date will allow for easier administration. By providing this extended compliance window, it is expected that most individuals in covered positions who remain in work or service in a covered position who did not have a three-part check will be able to obtain the missing state(s) or FBI check, as applicable, by the deadline. This requirement is prospective in applicability, not retroactive. That is, no action is required by individuals who do not continue to work or serve in a covered position. The rule establishes the future condition for continued service and establishes a uniform set of requirements that must be met by a future date certain. A defined date supports clarity of applicability and uniformity in monitoring. For entities that participated in the exemption period and conducted all three component checks, additional action may not be required for most individuals.

Comment: Many commenters objected to the requirement to conduct three-part checks for all covered individuals, regardless of their access to vulnerable populations. A number of commenters asserted that the agency had exceeded its legal authority in imposing this requirement and that two-part checks were satisfactory for covered persons who do not have access to vulnerable populations. Other commenters said it was excessively burdensome for covered persons and grantees to obtain an extra level of clearance when it is not required by the statute, especially since it had to be completed prior to service starting.

Response: The agency declines to modify the rule to have a distinction between checks for those serving vulnerable populations and those without recurring access to vulnerable populations. The need to establish consistency across grant programs and to simplify the requirements, as well as concerns for the safety of vulnerable populations, outweighed concerns about grant recipient preference. Commenters asserted that the statutory language is plain and does not give the agency discretion regarding the NSCHC component checks for those not working with vulnerable populations; the statute, they argue, gives the choice of NSCHC components to the grant recipient. The agency does not take this view.

Section 189D(a) of the NCSA states that entities ''shall, *subject to the regulations and requirements established by the Corporation,* conduct criminal history background checks'' on specified individuals. (Emphasis added). Section 189D(b) states that the criminal history background check under section (a) ''shall, except in cases approved for good cause by the Corporation, include'' a name-based sex offender check, and state checks for the state of service and state of residence at time of application, or a fingerprint-based FBI check.

Section 189D(b) establishes the minimum requirements that the agency must consider in exercising its authority under 189D(a) and understands the ''or'' in 189D (b)(2) to be read as permitting the agency to establish an NSCHC that permits a state component, an FBI component, or both.

The agency's regulatory requirement aligns with the statute. A check of all three components meets the statutory requirement that the agency not require less than a sex offender check and either the state or FBI checks. The operative phrase in 189D(b) is ''shall . . . include.'' It is permissive and, read in the context of 189D(a), vests implementation to the discretion of the agency.

The scope of agency discretion would be different had the language said ''shall consist of'' or ''shall be limited to'' or ''shall not exceed,'' or other such discretion-limiting language. Section 189D(b) requires the agency to include the specified components, but does not require the agency to limit itself to those components.

Congress similarly specified the requirements for those serving vulnerable populations. At minimum, all three components must be present in the agency's requirements for those who work with vulnerable populations. The agency retains discretion—that is, what is required for the NSCHC is still ''subject to the requirements and regulations established by the Corporation''—and could require additional components, although the agency has opted to establish a check that mirrors the statutory language for those who work or serve with vulnerable populations.

Comment: Several commenters felt that replacing the current Alternative Search Procedure process with a new waiver process lacked clarity. They expressed concern because there has been a widespread history of needing Alternative Search Procedures to resolve situations where programs lacked access, or timely access, to criminal history check results and they were unsure how the proposed waiver process was intended to work.

Response: The agency believes that with agency-approved vendors available, there should be less need for alternative procedures or to waive elements of the requirements for criminal history checks. However, the agency recognizes that circumstances change, and new factual situations may emerge, and expects to use the waiver process to address those situations. Those who would like a waiver may request it through the specified email address and the agency will provide a written response.

Comment: The agency noted that the proposed rule may have created confusion about the role of the budget in determining applicability of the NSCHC in section 201(a)(4). That section specified that an individual had to be paid a salary and on the budget.

Response: The statutory requirement to conduct an NSCHC applies to persons who serve under a grant award—whether they are paid directly from federal funds or if their time and effort are reflected on the grant as match under a cost reimbursement award. The budget document, historically, has been a strong indicator of persons who would be subject to the rule, but the budget document at the time of application, alone, does not determine who is in a position that requires an NSCHC. Persons whose activities are attributed to funding on a CNCS grant or subgrant are always covered.

Comment: Several commenters expressed a desire for more frequent and impactful training for grant recipients to help them be more compliant. Many commenters provided suggestions for ways to improve training and training materials.

Response: The agency welcomes the suggestions for improving training and will consider them when it develops training programs or supporting materials.

Comment: The agency received several comments regarding its approach to enforcement. Commenters expressed disapproval of an enforcement scheme that required grant recipients to return grant funds to the agency when the grant recipients did not comply with the regulatory requirements.

Response: The agency did not propose making its enforcement guidance part of this rulemaking, as enforcement for noncompliance with grants is addressed under 2 CFR 200.338. With the agency-approved vendors, all grant recipients have an established pathway to compliance and the costs of the NSCHC and any other checks required for

persons in covered positions remain allowable under grants. With the added clarity provided by the final rule, the expectation remains that grant recipients will obtain the required checks in a complete and timely manner. Accordingly, the agency appreciates the feedback regarding its approach to enforcement, and declines to respond to specific comments, as they are beyond the scope of the rulemaking.

IV. Effective Date

The final rule is effective on May 1, 2021.

IV. Regulatory Procedures

Executive Order 12866

This rule is not an ''economically significant'' rule within the meaning of E.O. 12866 because it is not likely to result in: (1) An annual effect on the economy of $100 million or more, or an adverse and material effect on a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal government or communities; (2) the creation of a serious inconsistency or interference with an action taken or planned by another agency; (3) a material alteration in the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) the raising of novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

Regulatory Flexibility Act

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605 (b)), the agency certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This regulatory action will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) 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. Therefore, the agency has not performed the initial regulatory flexibility analysis that is required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) for major rules that are expected to have such results.

Unfunded Mandates

For purposes of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, as well as Executive Order 12875, this regulatory action does not contain any Federal mandate that may result in increased expenditures in either Federal, state, local, or tribal governments in the aggregate, or impose an annual burden exceeding $100 million on the private sector.

Paperwork Reduction Act

The rule specifies that specific pieces of information must be obtained and maintained in order to demonstrate compliance with the regulatory procedures.

This requirement constitutes one set of information under the Paperwork Reduction Act (PRA), 44 U.S.C. 507 *et seq.* OMB, in accordance with the Paperwork Reduction Act, has previously approved information collections for the NSCHC requirement. The OMB Control Number is 3045–0145.

Under the PRA, an agency may not conduct or sponsor a collection of information unless the collections of information display valid control numbers. This rule's collections of information are contained in 45 CFR 2540.204 and .206.

This information is necessary to ensure that only eligible individuals serve in covered positions under agency grants.

The likely respondents to these collections of information are persons interested in, or seeking to serve in, covered positions, and grant recipients.

Executive Order 13132, Federalism

Executive Order 13132, Federalism, prohibits an agency from publishing any rule that has Federalism implications if the rule imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule does not have any Federalism implications, as described above.

List of Subjects

45 CFR 2522

Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 2540

Administrative practice and procedure, Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

For the reasons discussed in the preamble, under the authority of 42 U.S.C. 12651c(c), the Corporation for National and Community Service amends chapter XXV, title 45 of the Code of Federal Regulations, as follows:

PART 2522—AMERICORPS PARTICIPANTS, PROGRAMS, AND APPLICANTS

■ 1. The authority citation for part 2522 continues to read as follows:

Authority: 42 U.S.C. 12571–12595; 12651b–12651d; E.O. 13331, 69 FR 9911.

Subpart B—Participant Eligibility, Requirements, and Benefits

■ 2. Revise § 2522.205 to read as follows:

§ 2522.205 To whom must I apply eligibility criteria relating to criminal history?

You must apply eligibility criteria relating to criminal history to individuals specified in 45 CFR 2540.201.

PART 2540—GENERAL ADMINISTRATIVE PROVISIONS

■ 3. The authority citation for part 2540 is revised to read as follows:

Authority: E.O. 13331, 69 FR 9911; 18 U.S.C. 506, 701, 1017; 42 U.S.C. 12653, 12631–12637, 12645g; 42 U.S.C. 5065.

Subpart B—Requirements Directly Affecting the Selection and Treatment of Participants

■ 4. Revise § 2540.200 to read as follows:

§ 2540.200 Which entities are required to comply with the National Service Criminal History Check requirements in this subpart?

The National Service Criminal History Check is a requirement for entities that are recipients or subrecipients of the following grants:

(a) Operational grants provided by AmeriCorps State and National;

(b) Foster Grandparent Program Grants;

(c) Retired and Senior Volunteer Program Grants;

(d) Senior Companion Program Grants;

(e) Senior Demonstration Program Grants that receive funding from CNCS;

(f) Martin Luther King, Jr. Day of Service Grants;

(g) September 11th Day of Service Grants;

(h) Social Innovation Fund Grants;

(i) Volunteer Generation Fund Grants;

(j) AmeriCorps VISTA Program Grants;

(k) AmeriCorps VISTA Support Grants.

■ 5. Revise § 2540.201 to read as follows:

§ 2540.201 Which individuals require a National Service Criminal History Check?

(a) A National Service Criminal History Check must be conducted for individuals in covered positions. Individuals in covered positions are individuals selected, under a CNCS grant specified in 2540.200, by the recipient, subrecipient, or service site to work or serve in a position under a CNCS grant specified in § 2540.200:

(1) As an AmeriCorps State and National member, as described in 42 U.S.C. 12511(30)(A)(i);

(2) As a Foster Grandparent who receives a stipend;

(3) As a Senior Companion who receives a stipend; or

(4) In a position in which they will receive a salary, directly or reflected as match, under a cost reimbursement grant.

(b) A National Service Criminal History Check is not required for those individuals listed in paragraph (a) of this section who are under the age of 18 on the first day of work or service in a covered position.

(c) A National Service Criminal History Check is not required for individuals whose activity is entirely included in the grant recipient's indirect cost rate.

■ 6. Revise § 2540.202 to read as follows:

§ 2540.202 What eligibility criteria apply to an individual for whom a National Service Criminal History Check is required?

An individual shall be ineligible to work or serve in a position specified in § 2540.201(a) if the individual—

(a) Refuses to consent to a criminal history check described in § 2540.204;

(b) Makes a false statement in connection with a criminal history check described in § 2540.204;

(c) Is registered, or is required to be registered, on a state sex offender registry or the National Sex Offender Registry; or

(d) Has been convicted of murder, as defined in 18 U.S.C. 1111.

■ 7. Revise § 2540.203 to read as follows:

§ 2540.203 May a grant recipient or subrecipient or service site establish and apply suitability criteria for individuals to work or serve in a position specified in this subpart?

Grant recipients and subrecipients, or service sites, may establish suitability criteria, consistent with state and Federal Civil Rights and nondiscrimination laws, for individuals working or serving in a position specified in § 2540.201(a). While members may be eligible to work or serve in a position specified in § 2540.201(a) based on the eligibility requirements of § 2540.202, a grant recipient, subrecipient, or service site may determine that an individual is not suitable to work or serve in such a position based on criteria that the grant recipient or subrecipient or service site establishes.

■ 8. Revise § 2540.204 to read as follows:

§ 2540.204 What are the components of a National Service Criminal History Check?

(a) Unless CNCS approves a waiver under § 2540.207, for each individual in a position specified in § 2540.201, grantees or subgrantees must, obtain:

(1) A nationwide check of the National Sex Offender Public website through *NSOPW.gov;*

(2) A check of the State criminal history record repository or agency-designated alternative for the individual's State of residence and State of service; and

(3) A fingerprint-based check of the FBI criminal history record database through the State criminal history record repository or agency-approved vendor.

(b) One way for grant recipients or subrecipients to obtain and document the required components of the National Service History Check is through the use of agency-approved vendors.

■ 9. Revise § 2540.205 to read as follows:

§ 2540.205 By when must the National Service Criminal History Check be completed?

(a) The National Service Criminal History Check must be conducted, reviewed, and an eligibility determination made by the grant recipient or subrecipient based on the results of the National Service Criminal History Check *before* a person begins to work or serve in a position specified in § 2540.201(a).

(b) If a person serves consecutive terms of service or employment with the same organization in a position specified in § 2540.201(a) and does not have a break in service or employment longer than 180 days, then no additional National Service Criminal History Check is required, as long as the original check complied with the requirements of § 2540.204. If a National Service Criminal History Check was not conducted on a person because they were under the age of 18 at the time they began their prior term(s) of service or employment in a covered position, pursuant to § 2540.201(b), a National Service Criminal History check must be conducted prior to the individual beginning a subsequent term of work or service for which the person is 18 years of age or older at the start of work or service.

(c) Persons working or serving in positions specified in § 2540.201(a) prior to May 1, 2021, who continue working or serving in a position specified in § 2540.201(a) on or after November 1, 2021, must have a National Service Criminal History Check conducted, reviewed, and an eligibility determination made by the grant recipient or subrecipient based on the results of the National Service Criminal History Check completed in accordance with this part. For these people, the National Service Criminal History Check must be completed no later than November 1, 2021.

■ 10. Revise § 2540.206 to read as follows:

§ 2540.206 What procedural steps are required, in addition to conducting the National Service Criminal History Check described in this subpart?

(a) In addition to conducting the National Service Criminal History Check described in § 2540.204, grant recipients or subrecipients must:

(1) Obtain a person's consent before conducting the state and FBI components of the National Service Criminal History Check;

(2) Provide notice that selection for work or service for a position specified in § 2540.201(a) is contingent upon the organization's review of the National Service Criminal History Check component results;

(3) Provide a reasonable opportunity for the person to review and challenge the factual accuracy of a result before action is taken to exclude the person from the position;

(4) Take reasonable steps to protect the confidentiality of any information relating to the criminal history check, consistent with authorization provided by the applicant;

(5) Maintain documentation of the National Service Criminal History Check as grant records; and

(6) Pay for the cost of the NSCHC. Unless specifically approved by CNCS under § 2540.207, the person who is serving or working in the covered position may not be charged for the cost of any component of a National Service Criminal History Check.

(b) CNCS-approved vendors may facilitate obtaining and documenting the

requirements in paragraphs (a)(1) through (5) of this section.

■ 11. Revise § 2540.207 to read as follows:

§ 2540.207 Waiver.

CNCS may waive provisions of §§ 2540.200 through.2540.206 for good cause, or for any other lawful basis. To request a waiver, submit a written request to NSCHC Waiver Requests, 250 E Street SW, Washington DC 20525, or send your request to *NSCHCWaiverRequest@cns.gov.*

Dated: February 12, 2021.

Lisa Guccione,

Deputy Chief of Staff.

[FR Doc. 2021–03247 Filed 2–23–21; 8:45 am]

BILLING CODE 6050–28–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 20–64; FCC 20–172; FRS 17357]

Closure of FCC Lockbox 979089 Used To File Fees for Services Provided by the Media Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) adopts an Order that closes Lockbox 979089 and modifies the relevant rule provisions to require electronic filing and fee payments.

DATES: Effective March 26, 2021.

FOR FURTHER INFORMATION CONTACT: Warren Firschein, Office of Managing Director at (202) 418–2653 or Roland Helvajian, Office of Managing Director at (202) 418–0444.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, FCC 20–172, MD Docket No. 20–64, adopted on December 7, 2020 and released on December 10, 2020, which is the subject of this rulemaking. The full text of this document is available for public inspection and copying by downloading the text from the Commission's website at *https://www.fcc.gov/document/closure-lockbox-used-collect-fee-payments-media-bureau.*

I. Procedural Matters

A. Final Regulatory Flexibility Analysis

1. Section 603 of the Regulatory Flexibility Act, as amended, requires a regulatory flexibility analysis in notice and comment rulemaking proceedings. See 5 U.S.C. 603(a). As we are adopting these rules without notice and comment, no regulatory flexibility analysis is required.

B. Final Paperwork Reduction Act of 1995 Analysis

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

C. Congressional Review Act

3. The Commission will not send a copy of the Order pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of agency organization, procedure, or practice that do not ''substantially affect the rights or obligations of non-agency parties. See 5 U.S.C. 804(3)(C).

II. Introduction

4. In the Order, we reduce expenditures by the Commission and modernize procedures by amending § 1.1104 of our rules, 47 CFR 1.1104, which sets forth the application fees for services administered by the FCC's Media Bureau (MB). The rule amendment reflects the closure of the lockbox (P.O. Box) [1] used for such manual payment of filing fees for nine types of IB services: (1) Commercial TV Services; (2) Commercial AM Radio Stations; (3) Commercial FM Radio Stations; (4) FM Translators; (5) TV Translators and LPTV Stations; (6) FM Booster Stations; (7) TV Booster Stations; (8) Class A TV Services; and (9) Cable Television Services. We discontinue the option of manual fee payments and instead require the use of an electronic payment for each service listed above.

5. Section 1.1104 of the Commission's rules, 47 CFR 1.1104, provides a schedule of application fees for proceedings handled by MB. The rule had also directed filers that do not utilize the Commission's on-line filing and fee payment systems to send manual payments to P.O. Box 979089 at U.S. Bank in St. Louis, Missouri. In recent years, there have been a decreasing number of lockbox filers, and it now is rare that the Commission receives a lockbox payment.

6. The Commission has begun to reduce its reliance on P.O. Boxes for the collection of fees, instead encouraging the use of electronic payment systems for all application and regulatory fees and closing certain lockboxes. We find that electronic payment of fees for the services processed by MB reduces the agency's expenditures (including eliminating the annual fee for the bank's services) and the cost of manually processing each transaction, with little or no inconvenience to the Commission's regulatees, applicants, and the public.

7. As part of this effort, we are now closing P.O. Box 979089 and modifying the relevant rule provision that requires payment of fees via the closed P.O. Box. The rules changes are contained in the Appendix of the Order and the Final Rules of this document. We make these changes without notice and comment because they are rules of agency organization, procedure, or practice exempt from the general notice-and-comment requirements of the Administrative Procedure Act, *see* 5 U.S.C. 553(b)(A).

8. *Implementation.* As a temporary transition measure, for 90 days after publication of this document in the **Federal Register**, U.S. Bank will continue to process payments to P.O. Box 979089. After that date, payments for these MB services must be made in accordance with the procedures set forth on the Commission's website, *https://www.fcc.gov/licensing-databases/fees/application-processing-fees* (Media Bureau Fee Filing Guide). For now, such payments will be made through the Fee Filer Online System (Fee Filer), accessible at *https://www.fcc.gov/licensing-databases/fees/fee-filer.* As we assess and implement U.S. Treasury initiatives toward an all-electronic payment system, we may transition to other secure payment systems with appropriate public notice and guidance.

III. Ordering Clauses

9. *Accordingly, it is ordered*, that pursuant to sections 4(i), 4(j), 158, 208, and 224 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 158, 208, and 224, the Order is hereby *adopted* and the rules set forth in the Appendix of the Order are hereby *amended* effective March 26, 2021.

[1] A P.O. Box used for the collection of fees is referred to as a ''lockbox'' in our rules and other Commission documents. The FCC collects application processing fees using a series of P.O. Boxes located at U.S. Bank in St. Louis, Missouri. *See* 47 CFR 1.1101–1.1109 (setting forth the fee schedule for each type of application remittable to the Commission along with the correct lockbox).

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Marlene Dortch,

Secretary.

Editorial note: This document was received for publication by the Office of the Federal Register on January 4, 2021.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461, unless otherwise noted.

■ 2. Amend § 1.1104 by revising the introductory text to read as follows:

§ 1.1104 Schedule of charges for applications and other filings for media services.

Remit payment for these services electronically using the Commission's electronic payment system in accordance with the procedures set forth on the Commission's website, *www.fcc.gov/licensing-databases/fees.* The asterisk (*) indicates that multiple stations and multiple fee submissions are acceptable within the same payment.

* * * * *

[FR Doc. 2021–00050 Filed 2–23–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 54

[GN Docket No. 20–32; DA 20–1361; FRS 17443]

Office of Economics and Analytics and Wireline Competition Bureau Adopt Adjustment Factor Values for the 5G Fund

AGENCY: Federal Communications Commission.

ACTION: Final action.

SUMMARY: In this document, the Office of Economics and Analytics (Office) and the Wireline Competition Bureau (Bureau) adopt adjustment factor values for an adjustment factor that will be used in bidding in the 5G Fund auctions and applied to the methodology for disaggregating legacy high-cost support.

DATES: Effective February 24, 2021.

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

FOR FURTHER INFORMATION CONTACT: Kate Matraves, Office of Economics and Analytics, Economic Analysis Division, (202) 391–6272 or *Catherine.Matraves@fcc.gov,* or Nicholas Copeland, Office of Economics and Analytics, Economic Analysis Division, (202) 418–1025 or *Nicholas.Copeland@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *5G Fund Adjustment Values Public Notice* in GN Docket No. 20–32, DA 20–1361, released on November 16, 2020. The full text of this document is available on the Commission's website at *https://www.fcc.gov/document/oea-and-wcb-adopt-adjustment-factor-values-5g-fund.* To request materials in accessible formats for people with disabilities, 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. The Office of Economics and Analytics (Office) and the Wireline Competition Bureau (Bureau) adopt 5G Fund adjustment factor values to help direct more 5G Fund support to harder to serve areas. Specifically, the values we adopt will increase support levels for bids to serve areas where the terrain elevation variation raises the expected costs of deploying 5G networks, and/or where the business case for 5G otherwise is likely to be weaker, relative to the support for bids for easier to serve areas. Likewise, the adjustment factor values will also be used in the process of disaggregating legacy high-cost support to account for differences between recipients' subsidized service areas. These adjustment factor values will help ensure that additional 5G Fund support goes to the areas that need it the most.

2. In the *5G Fund NPRM and Order,* 85 FR 31636, May 26, 2020, 85 FR 34525, Jun. 5, 2020, the Federal Communications Commission (Commission) proposed to distribute up to $9 billion in two phases using multi-round, descending clock auctions to assign support for the deployment of 5G service in rural areas. To account for differences in the cost of providing service and business case considerations across eligible areas, the Commission proposed incorporating an adjustment factor into the 5G Fund auctions that would assign a weight to each geographic area, which would be applied to bidding for support amounts to make the areas most difficult to serve more attractive to bidders and increase the support to such areas. In addition to incorporating an adjustment factor into the 5G Fund auctions, the Commission proposed to apply this adjustment factor to the methodology for disaggregating legacy high-cost support in the transition to 5G Fund support.

3. Legacy high-cost support is currently provided to a competitive eligible telecommunications carrier's entire study area, with no attribution to particular sub-areas within that study area. To illustrate the role of the adjustment factor in the disaggregation of legacy support, consider a hypothetical carrier serving one mountainous census tract and one flat census tract of equal size in its subsidized service area. Such a carrier might require 75% of its support to serve the mountainous tract and 25% to serve the flat tract. Were an unsubsidized carrier to enter the flat tract, which may be more likely given the relatively lower costs in the flat tract, if we did not apply the adjustment factor in calculating disaggregated support, the carrier would lose 50% of its funding and would be unable to continue serving the mountainous tract. However, applying an adjustment factor of three to the mountainous area would result in the carrier retaining 75% of its original support amount and allow it to continue serving the mountainous tract.

4. On June 5, 2020, the Office and Bureau released the *Adjustment Factor Public Notice,* 85 FR 36522, Jun. 17, 2020, which sought comment on the proposed adjustment factor values, the three analyses that inform the values, and the application of the adjustment factor to the disaggregation of legacy support.

5. In the *5G Fund Report and Order,* 85 FR 75770, Nov. 25, 2020, the Commission adopted its proposal to incorporate an adjustment factor into the 5G Fund auctions that will assign a weight to each geographic area and apply that adjustment factor to bidding for support amounts; this adjustment factor also will be applied to the methodology for disaggregating legacy high-cost support. For a 5G Fund auction, the Commission deferred the final determination of the precise manner in which the adjustment factor will be incorporated into the auction mechanism to the pre-auction process. We provide herein the adjustment factor values, and we discuss the studies underlying our decision to adopt these values for use in a 5G Fund auction and in the methodology for the disaggregation of legacy high-cost support.

6. *Adjustment Factor Values.* In the *5G Fund Adjustment Factor Public Notice,* we proposed values for an adjustment factor that operates along two dimensions: Terrain elevation variation and demand, using median household income as a proxy. These two dimensions were included to account for differences in network deployment costs and business case considerations that stem from the geographic and economic variations in the United States. We proposed that areas be sorted into terrain elevation variation and demand factor groups according to their characteristics. The terrain elevation variation dimension is intended to address, in part, network cost differences across areas, while the demand factor is intended to address differences in expected revenues across areas. Under the approach proposed in the *5G Fund Adjustment Factor Public Notice,* an area's terrain classification is determined by its average standard deviation of elevation. Areas are separated into one of three categories: (1) Flat (standard deviation of 40 meters or less); (2) hilly (standard deviation between 40 and 115 meters); and (3) mountainous (standard deviation greater than 115 meters). Similarly, areas' demand classification is determined by the areas' median household income. We note that the category thresholds for the medium- and high-income categories represent 2017 median household incomes that are 150% and 200% of the poverty line for a family of three, respectively. Consistent with the adjustment factor values we adopt herein, we will use the latest available data on terrain and median household income appropriate for such purposes to classify areas into the adjustment factor categories concurrent with the Commission's release of the map of final areas eligible for 5G Fund Phase I support.

7. We adopt the adjustment factor values in Fig. 1, as proposed in the *5G Fund Adjustment Factor Public Notice.* We find that these adjustment factor values, informed by the three economic analyses laid out in the *5G Fund Adjustment Factor Public Notice,* appropriately reflect the relative cost of serving areas with differing terrain characteristics, as well as the potential business case for each area, with less profitable areas receiving greater weight and therefore more support. Using these values to help distribute 5G Fund support to, and disaggregate legacy support in, a range of areas across the country that are geographically and economically diverse serves the public interest.

FIG. 1—ADJUSTMENT FACTOR VALUES

Demand factors	Terrain elevation variation		
	Flat	Hilly	Mountainous
Low	1.2	2.4	3.8
Medium	1.1	2.3	3.5
High	1.0	2.0	3.0

8. *Use of An Adjustment Factor in Bidding.* Commenters generally support the use of an adjustment factor to increase support in higher-cost, less-profitable areas, and no commenter suggests alternative adjustment factor values to those proposed in the *5G Fund Adjustment Factor Public Notice.* Although no commenter objects to the use of terrain elevation variation and median household income in the determination of the adjustment factor, several commenters suggest that the adjustment factor should consider other variables, such as differences in the cost of labor and transportation to both deploy and operate 5G service, differences in the cost of utility and other operating costs, and the existing infrastructure in an area.

9. We are not persuaded by these arguments and decline to increase the number of components or categories that make up the adjustment factor. We acknowledge that terrain elevation variation and median household income do not exhaust the list of potentially relevant variables. Likewise, we acknowledge that when we separate areas into categories, the areas near the midpoint of the category will have their relative costs and business cases more accurately represented by the adjustment factor values than areas at the margins. Nevertheless, as noted in the *5G Fund Report and Order,* the adjustment factor adopted by the Commission is not intended to fully offset the differences inherent in providing service to different types of areas. Rather, it is intended to ''make the most difficult areas to serve more attractive at auction in order to encourage more bidding for these areas.'' Moreover, we selected terrain elevation variation and median household income as the two dimensions for the adjustment factor characteristics because they are important factors in characterizing deployment costs and business case considerations, respectively, and because there is more readily available and verifiable data with which to apply these two factors. As we discussed in the *5G Fund Adjustment Factor Public Notice,* terrain elevation variation captures differences in network costs because ''wireless network engineering principles indicate that greater variability of terrain in a given geographic area reduces the signal strength received by a mobile user, which requires wireless carriers to build more sites to provide the same quality of service.'' As a result, areas with higher terrain elevation variation generally have higher capital expenditures, operating expenditures, and leasing costs. Similarly, we also discussed in the *5G Fund Adjustment Factor Public Notice* the importance of demand factors and the role that expected revenues play in carriers deployment decisions. The Entry Model Adjustment Factor study found that, all else equal, areas with higher median household incomes are more likely to be covered, a finding consistent with the basic assumption that higher income areas are more profitable.

10. *Economic Analyses.* To inform the proposed adjustment factor values, the Office and Bureau included three economic analyses. The first analysis (the Entry Model) used coverage data to estimate the effect that an area's physical and demographic characteristics have on carriers' network deployment decisions. The second analysis (the Cell Site Density Model) examined how cell site spacing changes as terrain roughness increases. The third analysis (the Auction Bidding Model) used Mobility Fund Phase I (Auction 901) bidding data to estimate how terrain roughness and other factors affected carriers' bids.

11. Discussion of the economic analyses in the record is limited, and no party submitted an alternative economic analysis. Some commenters argue that

the Auction Bidding Model should not be used to determine the adjustment factor values because (1) bidding data from the Mobility Fund Phase I auction is distorted, (2) the Mobility Fund Phase I auction is not an appropriate analogue because it provided one-time funding for capital expenditures versus long-term support for capital expenditures and operational expenses, (3) bidding decisions were based on 2012 pricing that is not comparable to today's pricing, and (4) at the time of the Mobility Fund Phase I auction, carriers could still use network equipment from low-cost equipment suppliers that have since been designated by the Commission as national security threats.

12. We acknowledge the contextual differences between the Mobility Fund Phase I auction and the upcoming 5G Fund auctions, but do not find that such differences unduly undermine the analysis. While the timing and one-time funding nature of the Mobility Fund Phase I auction and the presence of Huawei and ZTE as low-cost equipment options for Mobility Fund Phase I support recipients may have influenced the absolute bid amounts, the commenters fail to explain why the relative bid amounts would differ significantly compared with a more recent long-term funding auction where bidders could not use Huawei and ZTE equipment. The absolute level of the bids does not necessarily affect the relative differences across areas. For example, if all bids were 20% lower in absolute level due to factors related to the auction's context, the ratio of bids across areas would be unaffected. We find it more likely that the calculated adjustment factor should be largely invariant to differences in funding type and radio equipment costs. There are two cases to consider. In the case where the costs to build and operate towers are the same across terrain types and more towers are needed to cover rougher terrain, the cost of radio equipment would have no effect on the calculated adjustment factors. In the case where towers cost more to build and operate in rougher terrain, the absolute cost of radio equipment could affect the adjustment factor. However, given that radio equipment costs are a very low percentage of the overall costs to build and operate a network, the change in the calculated adjustment factor would be negligible.

13. Similarly, arguments that the Mobility Fund Phase I auction is not an appropriate point of comparison because it did not provide funding for both capital and operational expenditures likewise do not undermine our analysis here because the adjustment factor values we adopt are meant to capture the relative differences in cost and business case for different areas. That is, reliance upon bid amounts in an auction that did not award operational expenses should not affect the relative differences in costs because bidders in the 5G Fund auctions will be able to consider the entirety of costs (including both capital and operational expenditures). Thus, any additional operational expenses will be reflected in higher bidding values in the auction but the relative differences between areas is likely to remain the same. Moreover, our conclusions about the appropriateness of using Mobility Fund Phase I auction data are also consistent with all three models producing comparable adjustment factor estimates. We find that the information regarding the relative bidding incentives across areas produced by the Auction Bidding Model outweighs any concerns with the absolute levels of the bidding data.

14. *Use of an Adjustment Factor for Disaggregation of Legacy High-Cost Support.* In the *5G Fund Adjustment Factor Public Notice,* the Office and Bureau sought comment on the appropriate adjustment factor values for the disaggregation of legacy high-cost support to account for differences in costs across areas and the underlying methodologies that could be used to develop the values. In cases where the transition of legacy support occurs across areas of different types, such as eligible areas and ineligible areas, the adjustment factor would be used to scale the actual square kilometers associated with each disaggregated area. In the *5G Fund Report and Order,* the Commission concluded that the adjustment factor values that are adopted by the Office and Bureau for a 5G Fund auction also would be used for the disaggregation of legacy high-cost support. Accordingly, we adopt the adjustment factor values proposed in the *5G Fund Adjustment Factor Public Notice,* as set forth in Fig. 1 herein, for use in the process of disaggregating legacy support.

15. We note that some commenters oppose using the adjustment factor in the disaggregation process. They generally argue that, because the adjustment factor does not capture all of the characteristics of the particular service areas for which legacy support is provided (*e.g.,* foliage) and the terrain categories are too broad, thereby disadvantaging the areas near the margins, it is not appropriate to apply the factor when disaggregating legacy support. They propose instead that the Commission rely on service providers' knowledge of their subsidized areas to estimate the costs of deploying in those areas.

16. In the *5G Fund Report and Order,* the Commission rejected the argument that the adjustment factor should not be applied to the disaggregation of legacy support, finding that ''[u]sing an adjustment factor is appropriate because it will alleviate potential concerns over a carrier losing a disproportionate amount of its legacy support resulting from a disaggregation methodology in which more costly areas would be treated the same as less costly areas with respect to subsidies received.'' As the Commission indicated, this approach will help ensure that legacy high-cost support is available for harder-to-serve areas.

17. We also note that there are other reasons to apply the adjustment factor to the disaggregation of legacy high-cost support. Using an adjustment factor to disaggregate legacy support is preferable to the administrative burdens that would arise from requiring service providers to disaggregate their costs, and furthermore, it avoids the potential incentive issues associated with service providers self-reporting their own costs. For example, where part of a legacy support recipient's service area would be served by a 5G Fund winner while its remaining area would continue to receive legacy support, the legacy support recipient would have the incentive to overestimate the amount of high-cost support flowing to the area that would continue to receive legacy support, thus maximizing the funds it would receive through preservation of service support. In addition, while we acknowledge that the adjustment factor does not account for all factors that affect network costs, the Commission indicated that the adjustment factor is meant to give an estimate of how a carrier may allocate legacy high-cost support within the area for which it receives such support. It is not meant to reflect the actual cost of deployment in that area. We maintain that applying an adjustment factor in the disaggregation process will lead to a more equitable distribution of legacy funding. Applying the adjustment factor will better reflect the distribution of high-cost support by accounting for cost differences arising from terrain elevation variation and business case differences arising from income disparities within a service area. Thus, we will use the adjustment factor values in Fig. 1 for the disaggregation of legacy high-cost support.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–03420 Filed 2–23–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 20–155, RM–11856; DA 20–1522; FRS 17360]

Radio Broadcasting Services; Edgefield, South Carolina

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of Georgia-Carolina Radiocasting Company, LLC, the Audio Division amends the FM Table of Allotments, by Channel 238A at Edgefield, South Carolina, as a first local service. A staff engineering analysis indicates that Channel 238A can be allotted to Edgefield, South Carolina, consistent with the minimum distance separation requirements of the Commission's rules, using city reference coordinates. The reference coordinates are 33–48–53 NL 81–56–10 WL.

DATES: Effective February 24, 2021.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 20–155, adopted December 21, 2020, and released December 23, 2020. The full text of this Commission decision is available online at *http://apps.fcc.gov/ecfs/.* This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

Editorial note: This document was received for publication at the Office of the Federal Register on January 4, 2021.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.202, the table in paragraph (b) is amended under South Carolina by adding an entry for ''Edgefield'' to read as follows:

§ 73.202 Table of Allotments.

* * * * *

(b) * * *

TABLE 1 TO PARAGRAPH (b)

[U.S. States]

	Channel No.
* * * * *	
South Carolina	
Edgefield	238A
* * * * *	

[FR Doc. 2021–00081 Filed 2–23–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 210211–0019]

RIN 0648–BJ60

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region and Reef Fish Resources of the Gulf of Mexico; Possession Limits for Federally-Permitted Charter Vessels and Headboats

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement management measures as described in an abbreviated framework action to the Fishery Management Plans (FMPs) for the Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP) and the Coastal Migratory Pelagic (CMP) Resources of the Gulf of Mexico and Atlantic Region (CMP FMP), as prepared by the Gulf of Mexico Fishery Management Council (Gulf Council). This final rule modifies the on-board multi-day recreational possession limit regulations for Federal charter vessel and headboat (for-hire) trips in the Gulf of Mexico (Gulf). This final rule also makes an administrative change to the reporting requirement for Gulf's individual fishing quota (IFQ) program during catastrophic conditions. The purposes of this final rule are to promote efficiency in the utilization of the reef fish and CMP resources and reduce regulatory discards, and to update the IFQ reporting requirements.

DATES: This final rule is effective March 26, 2021.

ADDRESSES: Electronic copies of the framework action that contain an environmental assessment and a regulatory flexibility analysis (RFA) may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/framework-amendment-modify-multi-day-trip-possession-limits-federal-permitted-charter.*

FOR FURTHER INFORMATION CONTACT: Rich Malinowski, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *rich.malinowski@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS and the Gulf Council manage reef fish resources in the Gulf exclusive economic zone (EEZ) under the Reef Fish FMP. NMFS, and both the Gulf Council and South Atlantic Fishery Management Council (Councils) manage the CMP fishery under the CMP FMP. The Gulf Council prepared the Reef Fish FMP and the Councils jointly prepared the CMP FMP. NMFS implements the FMPs through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801, *et seq.*).

On July 28, 2020, NMFS published a proposed rule for the framework action and requested public comment (85 FR 45363). The proposed rule and the framework action outline the rationale for the actions contained in this final rule. A summary of the management measures described in the framework action and implemented by this final rule is described below.

Background

In Gulf Federal waters, each person aboard a vessel with a Federal Gulf charter vessel/headboat permit for reef fish or CMP species (for-hire permit) that is on a for-hire trip greater than 24 hours in duration is allowed to possess two daily recreational bag limits for

species in the Reef Fish FMP and CMP FMP, except for speckled hind, warsaw grouper, and Gulf migratory group cobia (50 CFR 622.38(c) and 50 CFR 622.382(a)(2)). Speckled hind and warsaw grouper have daily recreational bag limits of one fish per vessel per day; therefore, the possession limit is two vessel limits, or two fish per vessel on a trip that exceeds 24 hours (50 CFR 622.38(c)). Gulf migratory group cobia is a limited harvest species under 50 CFR 622.383(b), which specifies that no person may possess more than two cobia per person per day regardless of the duration of a trip, and this final rule does not revise that provision. A trip begins with departure from a dock, berth, beach, seawall, or ramp and terminates with return to a dock, berth, beach, seawall, or ramp (50 CFR 622.2).

Currently, for the reef fish or CMP possession limit to apply, the for-hire vessel must have two licensed captains on board, and every passenger must have a receipt for the fishing trip which verifies the length of the trip (50 CFR 622.38(c) and 50 CFR 622.382(a)(2)). In addition, the possession limit does not apply until after the first 24 hours of the trip (50 CFR 622.11). Therefore, during the first 24 hours of a trip, each person (or vessel in the case of speckled hind and warsaw grouper) may only possess one daily recreational bag limit. The allowance for the possession of two daily bag or vessel limits for reef fish and CMP species does not begin until the second 24-hour period on a multi-day trip begins.

The Gulf Council heard public testimony at its June 2019 meeting that some for-hire vessel captains may have misinterpreted the current regulations as allowing the possession of two daily recreational bag limits at any time during a trip that lasts more than 24 hours. Additional testimony showed that allowing recreational for-hire fishers the ability to retain the possession limit at any time during a multi-day trip could increase the efficiency of the trip and reduce regulatory discards. For example, some vessel operators would prefer to target one species at a time in locations in which that species is abundant, fishing until the possession limit for the planned multi-day trip has been retained. After fishers harvest the possession limit, the vessel's operator would attempt to avoid that species for the remainder of the multi-day trip. However, because the current possession limit does not apply until after the first 24 hours of the trip, vessel operators cannot plan a trip in this manner, but must resume fishing for the target species after the first 24-hours if they want to allow fishers to obtain the second daily bag limit.

Management Measure Contained in This Final Rule

This final rule modifies the requirements to retain the possession limit on-board vessels that have been issued valid Gulf reef fish or CMP for-hire permits. This final rule increases the trip duration threshold to greater than 30 hours, but allows fishers to retain a second daily bag limit at any time during a trip of at least that duration. The Council determined that since fishers would be allowed to possess the second daily bag limit at any time during the trip, the trip duration should clearly exceed 24 hours. All other requirements to retain the recreational possession limit are unchanged through this final rule. The for-hire vessel must have two licensed operators aboard, and each passenger must have in their possession a receipt issued to them on behalf of the vessel that verifies the length of the trip. This final rule requires that the receipt specify the date and time of departure, and clarifies that the entire trip must occur on days when the harvest and possession of the applicable reef fish species are allowed.

Measure Contained in This Final Rule not in the Framework Action

In addition to the measure described in the framework action, this final rule revises language related to reporting under the Gulf Council's individual fishing quota (IFQ) programs during catastrophic conditions. The Gulf currently has two IFQ programs, one for commercial harvest of red snapper and one for commercial harvest of groupers and tilefishes. These programs require participants to record information electronically. However, both programs include a provision that allows for the use of some paper-based forms if catastrophic conditions occur (50 CFR 622.21(a)(3)(iii) and 622.22(a)(3)(iii)). This provision states that if the Regional Administrator (RA) determines that catastrophic conditions exist, NMFS will provide each IFQ dealer in the affected areas the necessary paper forms, sequentially coded, and instructions for submission of the forms to the RA.

NMFS initially required the use of sequentially numbered paper forms as a method intended to prevent fraud. Although NMFS has provided dealers with these forms, to date, these forms have not been used after the RA has determined catastrophic conditions exist, and NMFS has determined that maintaining them in this manner is not practical or cost effective. Therefore, NMFS is removing the references to sequentially coded paper forms in both 50 CFR 622.21(a)(3)(iii) and 622.22(a)(3)(iii). If an IFQ dealer requests paper forms for use during catastrophic conditions, NMFS will provide unnumbered forms.

Comments and Responses

NMFS received 14 comments on the proposed rule. The majority of comments (eight) were in favor of the framework action and the proposed rule. Some comments in support of the proposed rule stated that the changes to the possession limit requirements will help resolve any confusion about when during the trip the possession limit may be retained, will allow for better operating efficiency for for-hire vessels, and will not negatively impact fish populations. NMFS agrees with these comments. Additionally, NMFS received one comment regarding the change to IFQ reporting requirements during catastrophic conditions that was in favor of that change.

Comments that were outside the scope of the framework action and the proposed rule and are not addressed in this final rule. Comments in opposition to the proposed rule are summarized below, followed by NMFS' respective responses.

Comment 1: Allowing fishers on for-hire vessels to retain the possession limit before the first 24 hours of the trip are complete will make it easier for vessel operators to circumvent the regulations, and more difficult to enforce the regulations. This change will also place an extra burden on law enforcement officers by requiring them to determine the actual versus the reported details of a for-hire trip.

Response: NMFS disagrees that the changes to the possession limit requirements implemented in this final rule will make the regulations more difficult to enforce or place extra burdens on law enforcement officers. Like the current regulations, the revised regulations will allow passengers on for-hire vessels to retain two daily bag limits on trips greater than a specified duration. The revised regulations will increase the duration of trip from greater than 24 hours to greater than 30 hours, and allow retention of the second daily bag limit at any time during that trip instead of requiring that passengers wait until the first 24 hours of the trip has passed. All of the other current requirements, which are in place to help enforce the provision, remain the same. These include that two licensed operators must be aboard, and that each passenger must have in their possession

a receipt issued to them on behalf of the vessel that verifies the date and time of departure and length of the trip. Therefore, NMFS does not expect any significant changes in the responsibilities of law enforcement as result of the implementation of this final rule. Law enforcement will continue to operate in the same manner as before this final rule, using intercepts and reviews of the captain and vessel information, vessel harvest, and trip duration validation.

Comment 2: The changes to the possession limit regulations rely heavily on the full implementation of the Gulf of Mexico Electronic For-Hire Reporting final rule, which includes a requirement that Gulf reef fish and CMP for-hire vessels use vessel monitoring systems (VMS). NMFS has not fully implemented that final rule and this change to the possession limit regulations is a way for the Gulf Council and NMFS to increase acceptance of VMS.

Response: The changes to the possession limit regulations implemented through this final rule were developed independently from the Gulf of Mexico For-Hire Electronic Reporting final rule, and the Gulf Council's decision to make changes to the for-hire vessel possession limit was not contingent on the implementation of the VMS requirement.

Comment 3: Some trips that are planned for greater than 30 hours may need to end early because of weather, medical, or mechanical issues, which may create a problem if two daily bag limits have already been taken.

Response: NMFS understands that situations may occur where a trip that is expected to exceed 30 hours needs to end prematurely. If that occurs, fishers might already be in possession of two daily bag limits even though the vessel has not been on the trip for more than 30 hours, which would result in a violation of the regulations if the vessel must return to the dock before 30 hours elapses. However, NMFS does not expect this type of situation to occur routinely, and NMFS agrees with the public comments and discussion at Gulf Council meetings, which indicated that vessel captains have options to address this concern, such as demonstrating proper foresight prior to getting underway and anchoring offshore rather than pulling into the dock. Further, consistent with the NOAA Office of General Counsel Policy for the Assessment of Civil Administrative Penalties and Permit Sanctions, enforcement officers must assess each situation and, depending on the nature and seriousness of the violation, respond accordingly. This policy is available at the website *https://www.gc.noaa.gov/documents/Penalty-Policy-CLEAN-June242019.pdf.*

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the Reef Fish and CMP FMPs, other provisions of the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

The Magnuson-Stevens Act provides the statutory basis for this final rule. No duplicative, overlapping, or conflicting Federal rules have been identified. A description of this final rule, why it is being implemented, and the purposes of this final rule are contained in the **SUMMARY** and **SUPPLEMENTARY INFORMATION** sections of this preamble. The objectives of this final rule are to promote efficiency in the utilization of the reef fish and CMP resources, decrease regulatory discards, and establish reporting requirements in the IFQ programs that would be more practical and cost effective for NMFS during catastrophic conditions.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) during the proposed rule stage that this final rule, if adopted, would not have a significant economic impact on a substantial number of small entities. NMFS did not receive any comments from SBA's Office of Advocacy on the certification in the proposed rule. NMFS received six public comments on the economic analysis of the proposed rule. All six comments supported the conclusion that the proposed rule would have positive economic effects on for-hire fishing vessels. No changes to this final rule were made in response to public comments. The factual basis for the certification was published in the proposed rule and is not repeated here. Because this final rule is not expected to have a significant economic impact on a substantial number of small entities, a final regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Charter vessels, Coastal migratory pelagics, Fisheries, Fishing, Gulf of Mexico, Headboats, Recreational bag and possession limits.

Dated: February 12, 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 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.21, revise paragraph (a)(3)(iii) to read as follows:

§ 622.21 Individual fishing quota (IFQ) program for Gulf red snapper.

(a) * * *

(3) * * *

(iii) During catastrophic conditions only, the IFQ program provides for use of paper-based components for basic required functions as a backup. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the **Federal Register**, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. NMFS will provide each IFQ dealer the necessary paper forms and instructions for submission of the forms to the RA. The paper forms will also be available from the RA. The program functions available to participants or geographic areas deemed affected by catastrophic conditions will be limited under the paper-based system. There will be no mechanism for transfers of IFQ shares or allocation under the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via IFQ Customer Service 1–866–425–7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

* * * * *

■ 3. In § 622.22, revise paragraph (a)(3)(iii) to read as follows:

§ 622.22 Individual fishing quota (IFQ) program for Gulf groupers and tilefishes.

(a) * * *

(3) * * *

(iii) During catastrophic conditions only, the IFQ program provides for use of paper-based components for basic required functions as a backup. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the **Federal Register**, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. NMFS will provide each IFQ dealer the necessary paper forms and instructions for submission of the forms to the RA. The paper forms will also be available from the RA. The program functions available to participants or geographic areas deemed affected by catastrophic conditions will be limited under the paper-based system. There will be no mechanism for transfers of IFQ shares or allocation under the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via IFQ Customer Service 1–866–425–7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

* * * * *

■ 4. In § 622.38, revise paragraph (c) to read as follows:

§ 622.38 Bag and possession limits.

* * * * *

(c) *Possession limits for vessels with a valid Federal charter vessel/headboat permit for reef fish.* A person, or a vessel in the case of speckled hind or Warsaw grouper, on a trip that spans more than 30 hours may possess, at any time during the trip, no more than two daily bag limits, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the date and time of departure and length of the trip, and the entire trip occurs on days when the harvest and possession of the applicable reef fish species are allowed.

■ 5. In § 622.382, revise paragraph (a)(2) to read as follows:

§ 622.382 Bag and possession limits.

* * * * *

(a) * * *

(2) *Possession limits*—(i) *Possession limits for vessels with a valid Federal charter vessel/headboat permit for Atlantic coastal migratory pelagic fish.* A person who is on a trip that spans more than 24 hours may possess no more than two daily bag limits, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, and each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

(ii) *Possession limits for vessels with a valid Federal charter vessel/headboat permit for Gulf coastal migratory pelagic fish.* A person who is on a trip that spans more than 30 hours may possess, at any time during the trip, no more than two daily bag limits of Gulf king and Spanish mackerel, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the date and time of departure and length of the trip, and the entire trip occurs on days when the harvest and possession of the applicable coastal migratory pelagic species are allowed.

* * * * *

[FR Doc. 2021–03300 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 86, No. 35

Wednesday, February 24, 2021

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0028; Project Identifier MCAI–2020–01516–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A319–171N airplanes, Model A320–271N, –272N, and –273N airplanes, and Model A321–271N, –272N, –271NX, and –272NX airplanes. This proposed AD was prompted by a report indicating that during a full scale fatigue test of the forward engine mounts, premature wear was identified on the forward engine mount shackle assemblies; in addition, during bearing replacement, the bearing lock washer was found broken. This proposed AD would require replacing any forward engine mount shackle assemblies having a certain part number with a serviceable part, and re-identifying the engine mount, or replacing any forward engine mount assemblies having a certain part number, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 12, 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 material that will be incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0028.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0028; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0028; Project Identifier MCAI–2020–01516–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@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.

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0250, dated November 11, 2020 (EASA AD 2020–0250) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A319–171N airplanes, Model A320–271N, –272N, and –273N airplanes, and Model A321–

271N, –272N, –271NX, and –272NX airplanes.

This proposed AD was prompted by a report indicating that during a full scale fatigue test of the forward engine mounts, premature wear was identified on the forward engine mount shackle assemblies; in addition, during bearing replacement, the bearing lock washer was found broken. The FAA is proposing this AD to address premature wear and broken bearing lock washers at the forward engine mounts, which could lead to overload of the forward engine mount beams and engine mount failure, with consequent in-flight engine detachment, and possibly result in reduced controllability of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0250 describes procedures for replacing any forward engine mount shackle assemblies having part number D7121513500xxx ('xxx' can be any numerical value) with a serviceable part, and re-identifying the engine mount, or replacing any forward engine mount assemblies having part number D7121506500xxx ('xxx' can be any numerical value) and fitted with an affected engine mount shackle assembly. This material 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.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0250 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0250 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0250 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0250 that is required for compliance with EASA AD 2020–0250 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0028 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 70 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
5 work-hours × $85 per hour = $425	Up to $75,360	Up to $75,785	Up to $5,304,950.

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2021–0028; Project Identifier MCAI–2020–01516–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 12, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to all Airbus SAS Model A319–171N airplanes, Model A320–271N, –272N, and –273N airplanes, and Model A321–271N, –272N, –271NX, and –272NX airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

(e) Reason

This AD was prompted by a report indicating that during a full scale fatigue test of the forward engine mounts, premature wear was identified on the forward engine mount shackle assemblies; in addition, during bearing replacement, the bearing lock washer was found broken. The FAA is issuing this AD to address premature wear and broken bearing lock washers at the forward engine mounts, which could lead to overload of the forward engine mount beams and engine mount failure, with consequent in-flight engine detachment, and possibly result in reduced controllability of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0250, dated November 11, 2020 (EASA AD 2020–0250).

(h) Exceptions to EASA AD 2020–0250

(1) Where EASA AD 2020–0250 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0250 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, 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 responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) For information about EASA AD 2020–0250, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0028.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.*

Issued on February 4, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03581 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0862; Product Identifier 2019–NM–121–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: The FAA is revising an earlier proposal for certain The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes. This action revises the notice of proposed rulemaking (NPRM) by adding airplanes to the applicability and proposing to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions would impose an additional burden over that in the NPRM, the FAA is reopening the comment period to allow the public the chance to comment on these changes.

DATES: The comment period for the NPRM published in the **Federal Register** on November 7, 2019 (84 FR 60007), is reopened.

The FAA must receive comments on this SNPRM by April 12, 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 SNPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0862.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0862; 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 SNPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Wayne Lockett, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3524; email: *wayne.lockett@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2019–0862; Product Identifier 2019–NM–121–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this SNPRM 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 SNPRM, 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 SNPRM. Submissions containing CBI should be sent to Wayne Lockett, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3524; email: *wayne.lockett@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.

Discussion

The FAA issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes. The NPRM published in the **Federal Register** on November 7, 2019 (84 FR 60007). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations.

Actions Since the NPRM Was Issued

Since the FAA issued the NPRM, the manufacturer has issued new or more restrictive airworthiness limitations, and the FAA has determined it is necessary to mandate those limitations. In addition, the FAA has determined that those new limitations apply to more airplanes than were included in the NPRM.

Comments

The FAA gave the public the opportunity to comment on the NPRM. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Clarify Compliance Time for Paragraph (h)(2) of the Proposed AD

Boeing, American Airlines, and United Parcel Service (UPS) requested that the FAA clarify the compliance time for the actions described in paragraph (h)(2) of the proposed AD. The commenters noted that no compliance time had been given for obtaining the revised inspection intervals as directed in that paragraph, and recommended a period of 24 months.

The FAA agrees to clarify that for any horizontal stabilizer pivot fitting lug (SSI 55–10–I13A) on which a lug bore oversize repair has been accomplished, the compliance time for obtaining revised inspection intervals is within 24 months after the effective date of this AD, which is the compliance time for revising the maintenance or inspection program as specified in paragraph (g) of this proposed AD. The FAA has revised paragraph (h)(2) of this proposed AD to include the specified compliance time.

Request To Clarify New Inspection Intervals

American Airlines asked that paragraph (h)(2) of the proposed AD be further clarified to state that the lug bore oversize repairs must be re-evaluated and revised intervals must be obtained, as applicable. American Airlines reasoned that revised inspection intervals might not be required after re-evaluation, based on language in the Differences Between This Proposed AD and the Service Information section of the proposed AD that stated repairs ''will require further evaluation to determine the applicable inspection interval to be incorporated.''

The FAA agrees with the commenter's request. The FAA acknowledges that upon further evaluation of the repair, it is possible certain intervals might not be revised, and the inspection program provided in the original approved alternative method of compliance (AMOC) for that repair would still be acceptable. The FAA has revised paragraph (h)(2) of this proposed AD to clarify that the requirement is to ''re-evaluate the repair and obtain revised inspection intervals, as applicable.''

Request To Modify Applicability Paragraph of the Proposed AD

Aviation Partners Boeing (APB) requested that paragraph (c) of the proposed AD be amended to include language advising that a ''change in product'' AMOC approval may be needed for airplanes with Supplemental Type Certificate (STC) ST01920SE installed. APB stated that installation of

STC ST01920SE affects the ability to accomplish some of the actions required by the proposed AD. APB noted that it is in the process of revising the APB airworthiness limitations (AWL) and damage tolerance rating (DTR) Check Form Supplements to define the alternative inspections and/or inspection intervals required for the structural AWLs affected by the revised Boeing service information. APB noted that its documents are ''alternative'' to the Boeing service information and that APB planned to apply for an AMOC to the proposed AD if it is adopted as a final rule.

The FAA agrees with the request to add a paragraph providing the specified information. The FAA has redesignated paragraph (c) of the proposed AD (in the NPRM) as paragraph (c)(1) of this proposed AD and added paragraph (c)(2) to this proposed AD to advise operators that installation of STC ST01920SE affects the ability to accomplish some of the actions required by this AD, and that an AMOC may be required in order to comply with the requirements of 14 CFR 39.17.

Additionally, the FAA emphasizes that for any airplane that is modified by an STC that affects any structurally significant item (SSI) inspections, an AMOC approval request is necessary to comply with the requirements of 14 CFR 39.17.

Request To Clarify the Intent of Paragraph (l)(4) of the Proposed AD

American Airlines requested that the FAA clarify the intent of the last sentence of paragraph (l)(4) of the proposed AD and confirm that operators are not required to re-notify principal inspectors, as specified in paragraph (l)(2) of the proposed AD, or to revise previously approved AMOCs. The commenter stated that the final sentence of the paragraph seems to nullify the guidance of the previous sentence.

The FAA agrees to clarify the intent of paragraph (l)(4) of this proposed AD. The intent of paragraph (l)(4) of this proposed AD is to allow previously approved AMOCs only for repairs and alterations. The last sentence of paragraph (l)(4) of this proposed AD is intended to advise that revisions of the AWL prior to the July 2020 revision, that were approved as an AMOC to AD 2014–14–04, Amendment 39–17899 (79 FR 44672, August 1, 2014) (AD 2014–14–04), cannot be used to comply with any actions in this proposed AD. In addition, for existing AMOCs to AD 2003–18–10, Amendment 39–13301 (68 FR 53503, September 11, 2003) (AD 2003–18–10), and AD 2014–14–04, operators are not required to re-notify FAA personnel in accordance with paragraph (l)(2) of this proposed AD. Finally, existing AMOCs to ADs 2003–18–10 and 2014–14–04 are not required to be revised to specifically reference this proposed AD. This proposed AD has not been changed with regard to this request.

Request To Clarify Paragraph (l)(5) of the Proposed AD

American Airlines requested clarification of the compliance time for the requirements of paragraph (l)(5) of the proposed AD. American Airlines asserted that for a recently accomplished repair approved by the The Boeing Company Organization Designation Authorization (ODA) for Stage I, and currently pending damage tolerance evaluation (DTE) (Stage II/III), the compliance time should align with the standard Boeing DTE timeline of 24 months from Stage I approval to completion of Stage I, II, and III approval. American Airlines also requested confirmation that repair approvals obtained in accordance with paragraph (l)(5) of the proposed AD do not require reference to the proposed AD, since those approvals were issued prior to the effective date of this AD.

The FAA does not agree with the request to allow repairs in progress to use the 24-month Boeing DTE timeline. To use the provisions specified in paragraph (l)(5) of this proposed AD, the repair must be completed before the effective date of this AD. Repairs accomplished before the effective date of this AD that do not meet the conditions specified in paragraphs (l)(5)(ii) and (iii) of this proposed AD have until when the next AD-required inspection is due to obtain any AMOC that may be needed.

Regarding the repair approval request, the FAA confirms that the approvals do not need to refer to this AD. The FAA has not changed this proposed AD regarding this issue.

Request To Clarify ''Next Wing Tank Entry''

UPS requested clarification of the term ''next wing tank entry'' as used in paragraph (h)(1) of the proposed AD. The commenter stated that the term is unnecessary and adds confusion.

The FAA agrees with the request to clarify what was meant by ''next wing tank entry.'' The intent is to allow accomplishment of the sealant removal task prior to the next accomplishment of the specific maintenance planning document task, and not during a fuel tank entry for non-AWL-related reasons. The FAA has removed ''next fuel tank entry'' from the exception in paragraph (h)(1) of this proposed AD and replaced it with ''next accomplishment of the specific Maintenance Planning Document (MPD) task.''

Request To Change the Grace Period in Paragraph (h)(1) of the Proposed AD

UPS requested that the grace period in paragraph (h)(1) of the proposed AD be changed from 6 years to 8 years. UPS stated it considers that the FAA is providing accommodations for the tasks that can be repeated at intervals up to 4C, considering an 18-month 1C check interval. However, UPS noted that per Subsection B, ''Structural Inspections'' of Boeing 767–200/300/300F/400ER Airworthiness Limitations (AWLs), D622T001–9–01, dated July 2020, a 1C check is defined as 3,000 flight cycles, or 24 months, or 9,000 flight hours, whichever occurs first. UPS stated that an 8-year grace period is more acceptable to meet the intent of the accommodation by the FAA.

The FAA disagrees with the requested grace period of ''not to exceed 8 years'' because the 6-year grace period does meet the FAA's intent to provide a grace period for certain instructions to do certain actions, In addition, the commenter did not provide adequate supporting documentation to justify the escalation. All MPD tasks listed in the Excess Sealant Table of the AWL document have a baseline repetitive inspection interval of 6 years. Even though these tasks may have the option for escalation of the inspection intervals, each operator addresses escalation differently, and may request an escalation using the AMOC process. The FAA has not changed this proposed AD regarding this issue.

Request To Allow an Acceptable Method of Compliance for Certain Tasks

FedEx Express requested that the FAA incorporate Boeing 767–200/300/300F/400ER Airworthiness Limitations—Line Number Specific, D622T001–9–02, dated April 2019, as another acceptable method of compliance for the proposed AD. The commenter noted that certain requirements of Boeing 767–200/300/300F/400ER Airworthiness Limitations (AWLs), D622T001–9–01, dated June 2019, cannot be accomplished due to specific line number differences in configuration as a result of Material Review Board (MRB) actions.

The FAA agrees with the request. However, the FAA notes that Boeing has released a newer version of the document mentioned by the commenter. The FAA has therefore added paragraph (h)(4) to this proposed AD to specify that revising the existing maintenance

or inspection program, as applicable, to incorporate the information specified in Boeing 767–200/300/300F/400ER Airworthiness Limitations—Line Number Specific, D622T001–9–02, dated August 2020, is an acceptable method of compliance with paragraph (g) of this proposed AD for the tasks specified in that document only.

Related Service Information Under 1 CFR Part 51

The FAA reviewed the following service information, which describes airworthiness limitations for structural inspections and structural safe life limits among other limitations. These documents are distinct since they apply to different configurations.

- Boeing 767–200/300/300F/400ER Airworthiness Limitations (AWLs), D622T001–9–01, dated July 2020.
- Boeing 767–200/300/300F/400ER Airworthiness Limitations—Line Number Specific, D622T001–9–02, dated August 2020.

The FAA also reviewed Boeing 767–200/300/300F/400ER Damage Tolerance Rating (DTR) Check Form Document, D622T001–DTR, dated February 2020. This service information includes the DTR check forms and the procedure for their use.

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.

FAA's Determination

The FAA is proposing this AD because the agency evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. Certain changes described above expand the scope of the NPRM. As a result, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed Requirements of This SNPRM

This SNPRM would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This proposed AD also would require sending the inspection results to Boeing.

Costs of Compliance

The FAA estimates that this AD affects 542 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the FAA recognizes that this number may vary from operator to operator. In the past, the FAA has estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Action	Labor cost	Parts cost	Cost per product
Reporting	1 work-hour × $85 per hour = $85	$0	$85

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this proposed AD is 2120–0056. The paperwork cost associated with this proposed AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this proposed AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2019–0862; Product Identifier 2019–NM–121–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 12, 2021.

(b) Affected ADs

This AD affects AD 2014–14–04, Amendment 39–17899 (79 FR 44672, August 1, 2014) (AD 2014–14–04).

(c) Applicability

(1) This AD applies to The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes, certificated in any category, line numbers 1 through 1218 inclusive.

(2) Installation of Supplemental Type Certificate (STC) ST01920SE affects the ability to accomplish some of the actions required by this AD. Therefore, for airplanes on which STC ST01920SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval may be necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls; 52, Doors; 53, Fuselage; 54, Nacelles/pylons; 55, Stabilizers; 57, Wings.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations (AWLs) are necessary. The FAA is issuing this AD to address inadequate AWL and damage tolerance rating (DTR) values in the maintenance or inspection program that reduce the probability of detection for foreseeable fatigue cracking of structurally significant items (SSIs). This condition, if not addressed, could result in the loss of limit load capability of an SSI as well as loss of continued safe flight and landing of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 24 months after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Boeing 767–200/300/300F/400ER Airworthiness Limitations (AWLs), D622T001–9–01, dated July 2020; and Boeing 767–200/300/300F/400ER Damage Tolerance Rating (DTR) Check Form Document, D622T001–DTR, dated February 2020. Except as specified in paragraph (h) of this AD, the initial compliance time for doing the tasks is at the time specified in Boeing 767–200/300/300F/400ER Airworthiness Limitations (AWLs), D622T001–9–01, dated July 2020; and Boeing 767–200/300/300F/400ER Damage Tolerance Rating (DTR) Check Form Document, D622T001–DTR, dated February 2020; or within 24 months after the effective date of this AD; whichever occurs later.

(h) Exceptions

(1) Where Boeing 767–200/300/300F/400ER Airworthiness Limitations (AWLs), D622T001–9–01, dated July 2020, specifies compliance times (''thresholds'') for wing tank sealant removal and ensuring sealant location limits are met, these actions must be accomplished within the compliance times specified in Boeing 767–200/300/300F/400ER Airworthiness Limitations (AWLs), D622T001–9–01, dated July 2020; or at or before the next accomplishment of the specific Maintenance Planning Document (MPD) task, but no later than 6 years after the effective date of this AD; whichever occurs later.

(2) For any horizontal stabilizer pivot fitting lug (SSI 55–10–I13A) on which a lug bore oversize repair has been accomplished: Within 24 months after the effective date of this AD, re-evaluate the repair and obtain revised inspection intervals, as applicable, in accordance with the procedures specified in paragraph (l) of this AD.

(3) Where Boeing 767–200/300/300F/400ER Airworthiness Limitations (AWLs), D622T001–9–01, dated July 2020; and Boeing 767–200/300/300F/400ER Damage Tolerance Rating (DTR) Check Form Document, D622T001–DTR, dated February 2020; specify to submit reports within 10 days, those reports may be submitted within 10 days after the airplane is returned to service.

(4) For airplanes having line numbers identified in Boeing 767–200/300/300F/400ER Airworthiness Limitations—Line Number Specific, D622T001–9–02, dated August 2020: Revising the existing maintenance or inspection program, as applicable, to incorporate the information specified in Boeing 767–200/300/300F/400ER Airworthiness Limitations—Line Number Specific, D622T001–9–02, dated August 2020, is an acceptable method of compliance with paragraph (g) of this AD for the tasks specified in Boeing 767–200/300/300F/400ER Airworthiness Limitations—Line Number Specific, D622T001–9–02, dated August 2020, only. The initial compliance time for doing the tasks is at the time specified in Boeing 767–200/300/300F/400ER Airworthiness Limitations—Line Number Specific, D622T001–9–02, dated August 2020; or within 24 months after the effective date of this AD; whichever occurs later. For all other tasks specified in the service information identified in paragraph (g) of this AD, the requirements of paragraph (g) of this AD remain fully applicable and must be complied with.

(i) No Alternative Actions or Intervals

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

(j) Terminating Action for AD 2014–14–04

Accomplishing the actions required by this AD terminates all requirements of AD 2014–14–04.

(k) Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

(l) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs for repairs and alterations approved previously for AD 2003–18–10, Amendment 39–13301 (68 FR 53503, September 11, 2003) (AD 2003–18–10), and AD 2014–14–04 are approved as AMOCs for the corresponding actions specified in this AD. All other AMOCs for AD 2003–18–10 and AD 2014–14–04 are not approved as AMOCs for this AD.

(5) Repairs done before the effective date of this AD that meet the conditions specified

in paragraphs (l)(5)(i), (ii), and (iii) of this AD are acceptable methods of compliance for the repaired area where the inspections of the baseline structure cannot be accomplished.

(i) The repair was approved under both 14 CFR 25.571 and 14 CFR 26.43(d) by The Boeing Company ODA that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings.

(ii) The repair approval provides an inspection program (inspection threshold, method, and repetitive interval).

(iii) Operators revised their maintenance or inspection program, as applicable, to include the inspection program (inspection threshold, method, and repetitive interval) for the repair.

(m) Related Information

(1) For more information about this AD, contact Wayne Lockett, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3524; email: *wayne.lockett@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on January 20, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–03595 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0097; Project Identifier MCAI–2020–01334–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–100–1A10 airplanes. This proposed AD was prompted by reports of DC motor pump (DCMP) failures during production flight tests. This proposed AD would require installing a redesigned DCMP electric motor assembly. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 12, 2021.

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

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

For service information identified in this NPRM, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0097; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7367; fax: 516–794–5531; email: *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0097; Project Identifier MCAI–2020–01334–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7367; fax: 516–794–5531; email: *9-avs-nyaco-cos@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.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2020–31, dated September 23, 2020 (TCCA AD CF–2020–31) (referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Bombardier, Inc., Model BD–100–1A10 airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov*

by searching for and locating Docket No. FAA–2021–0097.

This proposed AD was prompted by reports of DCMP failures during production flight tests. These failures caused the electrical system generators to disconnect due to excessive induced voltage in the bus, caused by the DCMP overheating at high altitudes. The FAA is proposing this AD to address failures of the DCMP and electrical system generators, which could lead to the loss of normal electrical power on the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletin 100–29–18, Revision 03, dated December 18, 2014. This service information describes procedures for installing the redesigned DCMP electric motor assembly, having part number (P/N) 945202–3 (including a wiring modification and a structural modification).

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.

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 the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The FAA estimates that this proposed AD affects 239 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
68 work-hours × $85 per hour = $5,780	$18,964	$24,744	$5,913,816

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2021–0097; Project Identifier MCAI–2020–01334–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, serial numbers 20003 through 20406 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic power.

(e) Reason

This AD was prompted by reports of DC motor pump (DCMP) failures during production flight tests. These failures caused the electrical system generators to disconnect due to excessive induced voltage in the bus, caused by the DCMP overheating at high altitudes. The FAA is issuing this AD to address failures of the DCMP and electrical system generators, which could lead to the loss of normal electrical power on the airplane.

(f) Compliance

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

(g) Required Actions

Within 6 months after the effective date of this AD: Install the redesigned DCMP electric motor assembly, having part number (P/N) 945202–3, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 100–29–18, Revision 03, dated December 18, 2014.

(h) Parts Installation Prohibition

After accomplishing the installation required by paragraph (g) of this AD, no

person may install a DCMP having P/N MB74F–9/–7 on any airplane.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 100–29–18, dated July 2, 2013; Bombardier Service Bulletin 100–29–18, Revision 01, dated January 21, 2014; or Bombardier Service Bulletin 100–29–18, Revision 02, dated July 18, 2014.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2020–31, dated September 23, 2020, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0097.

(2) For more information about this AD, contact Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7367; fax: 516–794–5531; email: *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on February 11, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–03587 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0098; Project Identifier MCAI–2020–01121–T]

RIN 2120–AA64

Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2019–22–07, which applies to all MHI RJ Aviation ULC Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. AD 2019–22–07 requires revising the existing airplane flight manual (AFM) to include a limitation and an abnormal operating procedure for the Automatic Flight Control System (AFCS). Since the FAA issued AD 2019–22–07, it was found that the limitation and abnormal operating procedure did not include reference to a certain mode. This proposed AD would require revising the existing AFM and adding airplanes to the applicability. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 12, 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 MHI RJ Aviation ULC service information identified in this NPRM, contact MHI RJ Aviation ULC, 12655 Henri-Fabre Blvd., Mirabel, Québec J7N 1E1 Canada; Widebody Customer Response Center North America toll-free telephone +1–844–272–2720 or direct-dial telephone +1–514–855–8500; fax +1–514–855–8501; email *thd.crj@mhirj.com;* internet *https://mhirj.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0098; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7367; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0098; Project Identifier MCAI–2020–01121–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The

agency will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7367; email *9-avs-nyaco-cos@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.

Discussion

The FAA issued AD 2019–22–07, Amendment 39–19786 (85 FR 439, January 6, 2020) (AD 2019–22–07), for all MHI RJ Aviation ULC Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. AD 2019–22–07 requires revising the existing AFM to include a limitation and an abnormal operating procedure for the AFCS. AD 2019–22–07 resulted from a report that during AFCS ALTS CAP or (V) ALTS CAP mode, the flight guidance/autopilot does not account for engine failure while capturing an altitude. The FAA issued AD 2019–22–07 to address an engine failure, if it occurs during or before a climb while in ALTS CAP or (V) ALTS CAP mode, which may cause the airspeed to drop significantly below the safe operating speed, possibly resulting in reduced control of the airplane.

Actions Since AD 2019–22–07 Was Issued

Since the FAA issued AD 2019–22–07, it was found that the limitation and abnormal operating procedure did not include reference to (V) ALTV CAP mode. It was also found that the MHI RJ Aviation ULC Model CL–600–2C11 (Regional Jet Series 550) airplanes are also affected by the same unsafe condition.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2018–32R1, dated August 7, 2020 (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all MHI RJ Aviation ULC Model CL–600–2B19 (Regional Jet Series 100 & 440), CL–600–2C10 (Regional Jet Series 700, 701 & 702), CL–600–2C11 (Regional Jet Series 550), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0098.

This proposed AD was prompted by a report that found that the limitation and abnormal operating procedure did not include reference to (V) ALTV CAP mode (Model CL–600–2B19 airplanes do not have (V) ALTS CAP or (V) ALTV CAP mode). The risk of the unsafe condition also exists during (V) ALTV CAP mode. The FAA is proposing this AD to address an engine failure, if it occurs during or before a climb while in ALTS CAP, (V) ALTS CAP, or (V) ALTV CAP mode, as applicable, which may cause the airspeed to drop significantly below the safe operating speed, possibly resulting in reduced control of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service information, which describes procedures for revising the existing AFM by including a limitation that specifies a warning for the AFCS and an abnormal operating procedure if an engine failure occurs during or before a climb while in ALTS CAP mode, (V) ALTS CAP mode, or (V) ALTV CAP mode, as applicable. These documents are distinct since they apply to different airplane models.

- Subject 2, ''Automatic Flight Control System (AFCS),'' of Section 02–08, ''System Limitations,'' of Chapter 2, ''LIMITATIONS''; and Subject 1.C, ''Engine Failure in Climb During ALTS CAP,'' of Section 05–02, ''IN–FLIGHT ENGINE FAILURES,'' of Chapter 5, ''ABNORMAL PROCEDURES''; of the Bombardier CRJ Series Regional Jet Model CL–600–2B19 AFM, CSP A–012, Volume 1, Revision 73, dated January 3, 2020.
- Subject 2,'' Automatic Flight Control System (AFCS),'' of Section 02–08, ''System Limitations,'' of Chapter 2, ''LIMITATIONS''; and Subject 1.C, ''Engine Failure in Climb During ALTS CAP,'' and Subject 1.D, ''Engine Failure in Climb During (V) ALTS CAP or (V) ALTV CAP,'' of Section 05–02, ''IN–FLIGHT ENGINE FAILURES,'' of Chapter 5, ''ABNORMAL PROCEDURES''; of the Bombardier CRJ Series Regional Jet Model CL–600–2C10 (Series 700, 701, 702) and CL–600–2C11 (Series 550) AFM CSP B–012, Revision 31, dated May 8, 2020.
- Subject 2, ''Automatic Flight Control System (AFCS),'' of Section 02–08, ''System Limitations,'' of Chapter 2, ''LIMITATIONS''; and Subject 1.C, ''Engine Failure in Climb During ALTS CAP,'' and Subject 1.D, ''Engine Failure in Climb During (V) ALTS CAP or (V) ALTV CAP,'' of Section 05–02, ''IN–FLIGHT ENGINE FAILURES,'' of Chapter 5, ''ABNORMAL PROCEDURES''; of the Bombardier CRJ Series Regional Jet Model CL–600–2D24 (Series 900) and CL–600–2D15 (Series 705) AFM, CSP C–012, Volume 1, Revision 24, dated March 27, 2020.
- Subject 2, ''Automatic Flight Control System (AFCS),'' of Section 02–08, ''System Limitations,'' of Chapter 2, ''LIMITATIONS''; and Subject 1.C, ''Engine Failure in Climb During ALTS CAP,'' and Subject 1.D, ''Engine Failure in Climb During (V) ALTS CAP or (V) ALTV CAP,'' of Section 05–02, ''IN–FLIGHT ENGINE FAILURES,'' of Chapter 5, ''ABNORMAL PROCEDURES''; of the Bombardier CRJ Series Regional Jet Model CL–600–2E25 (Series 1000) AFM CSP D–012, Revision 23, dated February 14, 2020.

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

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 the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA

evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would retain none of the requirements of AD 2019–22–07. This proposed AD would require revising the existing AFM to include reference to (V) ALTV CAP mode, as applicable, in the limitation and an abnormal operating procedure for the AFCS.

Costs of Compliance

The FAA estimates that this proposed AD affects 992 airplanes of U.S. registry.

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

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
New proposed actions	1 work-hour × $85 per hour = $85	$0	$85	$84,320

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA has determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2019–22–07, Amendment 39–19786 (85 FR 439, January 6, 2020), and

■ b. Adding the following new AD:

MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.): Docket No. FAA–2021–0098; Project Identifier MCAI–2020–01121–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 12, 2021.

(b) Affected ADs

This AD replaces AD 2019–22–07, Amendment 39–19786 (85 FR 439, January 6, 2020) (AD 2019–22–07).

(c) Applicability

This AD applies to the MHI RJ Aviation ULC airplanes identified in paragraphs (c)(1) through (6) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes.

(2) Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes.

(3) Model CL–600–2C11 (Regional Jet Series 550) airplanes.

(4) Model CL–600–2D15 (Regional Jet Series 705) airplanes.

(5) Model CL–600–2D24 (Regional Jet Series 900) airplanes.

(6) Model CL–600–2E25 (Regional Jet Series 1000) airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 22, Auto Flight.

(e) Reason

This AD was prompted by a report that during the Automatic Flight Control System (AFCS) ALTS CAP, (V) ALTS CAP, or (V) ALTV CAP mode, the flight guidance/autopilot does not account for engine failure while capturing an altitude. The FAA is issuing this AD to address an engine failure, if it occurs during or before a climb while in ALTS CAP, (V) ALTS CAP, or (V) ALTV CAP mode, which may cause the airspeed to drop significantly below the safe operating speed, possibly resulting in reduced control of the airplane.

(f) Compliance

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

(g) Revision of the Airplane Flight Manual (AFM)

Within 60 days after the effective date of this AD: Revise the existing AFM to include the information in Subject 2, ''Automatic Flight Control System (AFCS),'' of Section 02–08, ''System Limitations,'' of Chapter 2, ''LIMITATIONS''; and Subject 1.C, ''Engine Failure in Climb During ALTS CAP,'' or Subject 1.D, ''Engine Failure in Climb During (V) ALTS CAP or (V) ALTV CAP,'' of Section 05–02, ''IN–FLIGHT ENGINE FAILURES,'' of Chapter 5, ''ABNORMAL PROCEDURES''; as applicable; of the applicable AFM identified in figure 1 to paragraph (g) of this AD.

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Figure 1 to paragraph (g) - *AFM Revision*

Bombardier Airplane Model	Bombardier AFM	AFM Revision
CL-600-2B19	Bombardier CRJ Series Regional Jet Model CL-600-2B19 CSP A-012, Volume 1	Revision 73, dated January 3, 2020
CL-600-2C10 CL-600-2C11	Bombardier CRJ Series Regional Jet Model CL-600-2C10 (Series 700, 701, 702) and CL-600-2C11 (Series 550) CSP B-012	Revision 31, dated May 8, 2020
CL-600-2D15 CL-600-2D24	Bombardier CRJ Series Regional Jet Model CL-600-2D24 (Series 900) and CL-600-2D15 (Series 705) CSP C-012, Volume 1	Revision 24, dated March 27, 2020
CL-600-2E25	Bombardier CRJ Series Regional Jet Model CL-600-2E25 (Series 1000) CSP D-012	Revision 23, dated February 14, 2020

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD, using the applicable AFM specified in figure 2 to paragraph (h) of this AD.

Figure 2 to paragraph (h) - *Credit for Previous AFM Revision*

Bombardier Airplane Model	Bombardier AFM	CRJ Series Regional Jet AFM Revision
CL-600-2B19	Bombardier CRJ Series Regional Jet Model CL-600-2B19 CSP A-012, Volume 1	Revision 70, dated July 13, 2018; or Revision 68, dated August 4, 2017
CL-600-2C10 CL-600-2C11	Bombardier CRJ Series Regional Jet Model CL-600-2C10 (Series 700, 701, 702) and CL-600-2C11 (Series 550) CSP B-012	Revision 29, dated September 20, 2019
CL-600-2D15 CL-600-2D24	Bombardier CRJ Series Regional Jet Model CL-600-2D24 (Series 900) and CL-600-2D15 (Series 705) CSP C-012, Volume 1	Revision 22, June 7, 2019
CL-600-2E25	Bombardier CRJ Series Regional Jet Model CL-600-2E25 (Series 1000) CSP D-012	Revision 22, dated September 6, 2019

(i) Other FAA AD Provisions

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or MHI RJ Aviation ULC's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2018–32R1, dated August 7, 2020, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0098.

(2) For more information about this AD, contact Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7367; email *9-avs-nyaco-cos@faa.gov.*

(3) For MHI RJ Aviation ULC service information identified in this AD, contact MHI RJ Aviation ULC, 12655 Henri-Fabre Blvd., Mirabel, Québec J7N 1E1 Canada; Widebody Customer Response Center North America toll-free telephone +1–844–272–2720 or direct-dial telephone +1–514–855–8500; fax +1–514–855–8501; email *thd.crj@mhirj.com;* internet *https://mhirj.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on February 12, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03589 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0973; Project Identifier MCAI–2020–01113–T]

RIN 2120–AA64

Airworthiness Directives; ATR–GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: The FAA is revising an earlier proposal to supersede Airworthiness Directives (AD) 2000–23–04 R1 and AD 2018–20–14, which apply to certain ATR–GIE Avions de Transport Régional Model ATR42–500 airplanes. This action revises the notice of proposed rulemaking (NPRM) by including new or more restrictive airworthiness limitations. The FAA is proposing this AD to address the unsafe condition on these products. Since this action would

impose an additional burden over those in the NPRM, the FAA is reopening the comment period to allow the public the chance to comment on these changes.

DATES: The comment period for the NPRM published in the **Federal Register** on October 29, 2020 (85 FR 68503), is reopened.

The FAA must receive comments on this proposed AD by April 12, 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material that will be incorporated by reference (IBR) in this AD, contact the European Union Aviation Safety Agency (EASA), Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* For ATR–GIE service information identified in this proposed rule, contact ATR–GIE Avions de Transport Régional, 1 Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr-aircraft.com; http://www.atr-aircraft.com.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0973.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0973; 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 SNPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *Shahram.Daneshmandi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2020–0973; Project Identifier MCAI–2020–01113–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *Shahram.Daneshmandi@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.

Discussion

The FAA issued AD 2000–23–04 R1, Amendment 39–12174 (66 FR 19381, April 16, 2001) (AD 2000–23–04 R1) and AD 2018–20–14, Amendment 39–19448 (83 FR 52123, October 16, 2018) (AD 2018–20–14). ADs 2000–23–04 R1 and 2018–20–14 require actions to address an unsafe condition on certain ATR–GIE Avions de Transport Régional Model ATR42–500 airplanes. ADs 2000–23–04 R1 and 2018–20–14 require revising the maintenance or inspection program, as applicable, to incorporate new and/or more restrictive maintenance requirements and airworthiness limitations.

The FAA issued an NPRM to amend 14 CFR part 39 by adding an AD to supersede AD 2000–23–04 R1 and AD 2018–20–14 that would apply to certain ATR–GIE Avions de Transport Régional Model ATR42–500 airplanes. The NPRM published in the **Federal Register** on October 29, 2020 (85 FR 68503) (the NPRM). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary, as specified in EASA AD 2020–0136, dated June 18, 2020 (EASA AD 2020–0136).

Actions Since the NPRM Was Issued

Since the FAA issued the NPRM, the FAA has determined that new or more restrictive airworthiness limitations are necessary.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0263, dated December 1, 2020 (EASA AD 2020–0263) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Model ATR 42–400 and ATR 42–500 airplanes. EASA AD 2020–0263 supersedes EASA AD 2020–0136. Model ATR 42–400 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability. EASA AD 2020–0263 refers to ATR ATR42–400/–500, Time Limits Document (TL), Revision 14, dated July 7, 2020. Airplanes with an original airworthiness certificate or original export certificate of

airworthiness issued after July 7, 2020, must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this AD, therefore, does not include those airplanes in the applicability.

This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is proposing this AD to address reduced structural integrity of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0263 describes new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This proposed AD would also require the following service information, which the Director of the Federal Register approved for incorporation by reference as of November 20, 2018 (83 FR 52123, October 16, 2018).

- ATR ATR42–400/–500, Time Limits Document (TL), Revision 11, dated May 5, 2015.
- ATR ATR42–400/–500 Time Limits Temporary Revision TR01/17, dated May 3, 2017.

This material 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.

Comments

The FAA gave the public the opportunity to participate in developing this proposed AD. The FAA received no comments on the NPRM or on the determination of the cost to the public.

FAA's Determination and Requirements of This SNPRM

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Certain changes described above expand the scope of the NPRM. As a result, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed AD Requirements

This proposed AD would retain the requirements of AD 2018–20–14. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, which are specified in EASA AD 2020–0263 described previously, as incorporated by reference. Any differences with EASA AD 2020–0263 are identified as exceptions in the regulatory text of this AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections) and Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (n)(1) of this proposed AD.

Costs of Compliance

The FAA estimates that this proposed AD affects 9 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2018–20–14 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. In the past, the agency has estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new proposed actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2000–23–04 R1, Amendment 39–12174 (66 FR 19381, April 16, 2001); and AD 2018–20–14, Amendment 39–19448 (83 FR 52123, October 16, 2018); and

■ b. Adding the following new AD:

ATR–GIE Avions de Transport Régional: Docket No. FAA–2020–0973; Project Identifier MCAI–2020–01113–T.

(a) Comments Due Date

The FAA must receive comments by April 12, 2021.

(b) Affected Airworthiness Directives (ADs)

(1) This AD replaces AD 2000–23–04 R1, Amendment 39–12174 (66 FR 19381, April 16, 2001) (AD 2000–23–04 R1); and AD 2018–20–14, Amendment 39–19448 (83 FR 52123, October 16, 2018) (AD 2018–20–14).

(2) This AD affects AD 2008–04–19 R1, Amendment 39–16069 (74 FR 56713, November 3, 2009) (AD 2008–04–19 R1); and AD 2015–26–09, Amendment 39–18357 (81 FR 1483, January 13, 2016) (AD 2015–26–09).

(c) Applicability

This AD applies to ATR–GIE Avions de Transport Régional Model ATR42–500 airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness dated on or before July 7, 2020.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to prevent reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Maintenance or Inspection Program Revision, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2018–20–14, with no changes. For airplanes with an original airworthiness certificate or original export certificate of airworthiness dated on or before May 3, 2017: Within 90 days after November 20, 2018 (the effective date of AD 2018–20–14), revise the maintenance or inspection program, as applicable, to incorporate the information specified in ATR ATR42–400/–500, Time Limits Document (TL), Revision 11, dated May 5, 2015; and ATR ATR42–400/–500 Time Limits Temporary Revision TR01/17, dated May 3, 2017. The initial compliance time for accomplishing the tasks is at the applicable times specified in ATR ATR42–400/–500, Time Limits Document (TL), Revision 11, dated May 5, 2015; and ATR ATR42–400/–500 Time Limits Temporary Revision TR01/17, dated May 3, 2017; or within 90 days after the November 20, 2018; whichever occurs later, except for those certification maintenance requirement (CMR) tasks identified in figure 1 to paragraphs (g) and (h) of this AD.

Figure 1 to paragraphs (g) and (h) – *Grace period for CMR tasks*

CMR/Maintenance Significant Item (MSI) Task	Compliance Time
213100-2A	Within 550 flight hours or 90 days, whichever occurs first, after November 20, 2018 (the effective date of AD 2018-20-14).
213100-2B	
213100-3A	
213100-3B	

(h) Retained Initial Compliance Times for Certain CMR Tasks, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2018–20–14, with no changes. For the CMR tasks listed in figure 1 to paragraphs (g) and (h) of this AD, the initial compliance time for accomplishing the tasks is at the applicable time specified in ATR ATR42–400/–500 Time Limits Temporary Revision TR01/17, dated May 3, 2017; or within the compliance time specified in figure 1 to paragraphs (g) and (h) of this AD; whichever occurs later.

(i) Retained Restrictions on Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs), With a New Exception

This paragraph restates the requirements of paragraph (i) of AD 2018–20–14, with a new exception. Except as required by paragraph (l) of this AD, after the maintenance or inspection program, as applicable, has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, and/or CDCCLs may be used unless the actions, intervals, and/or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (n)(1) of this AD.

(j) New Maintenance or Inspection Program Revision

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0263, dated December 1, 2020 (EASA AD 2020–0263). Accomplishing the maintenance or inspection program revision required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2020–0263

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2020–0263 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2020–0263 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2020–0263 is at the applicable ''thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2020–0263, or within 90 days after the effective date of this AD, whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2020–0263 do not apply to this AD.

(5) The ''Remarks'' section of EASA AD 2020–0263 does not apply to this AD.

(l) New Provisions for Alternative Actions, Intervals, and CDCCLs

After the maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2020–0263.

(m) Terminating Action for Other ADs

Accomplishing the actions required by paragraph (g) or (j) of this AD terminates all requirements of the ADs specified in paragraphs (m)(1) and (2) of this AD for ATR–GIE Avions de Transport Régional Model ATR42–500 airplanes only.

(1) AD 2008–04–19 R1.

(2) AD 2015–26–09.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, 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 responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (o)(4) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

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

(ii) AMOCs approved previously for AD 2018–20–14 are approved as AMOCs for the corresponding provisions of EASA AD 2020–0263 that are required by paragraph (j) of this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or ATR–GIE Avions de Transport Régional's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(o) Related Information

(1) For information about EASA AD 2020–0263, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(2) For service information identified in this AD, contact ATR–GIE Avions de Transport Régional, 1 Allée Pierre Nadot, 31712 Blagnac Cedex, France; telephone +33 (0) 5 62 21 62 21; fax +33 (0) 5 62 21 67 18; email *continued.airworthiness@atr-aircraft.com; http://www.atr-aircraft.com.*

(3) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0973.

(4) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *Shahram.Daneshmandi@faa.gov.*

Issued on February 12, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03590 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0031; Project Identifier MCAI–2020–01420–T]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This proposed AD was prompted by reports of corrosion on the waste box, waste access doubler, and waste service door of the rear fuselage due to contamination from waste valve leakage. This proposed AD would require an inspection for corrosion of the waste box, waste access doubler, and waste service door, and corrective actions if necessary, as specified in a Transport Canada Civil Aviation (TCCA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 12, 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 material that will be incorporated by reference (IBR) in this AD, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, CANADA; telephone 888–663–3639; email *AD-CN@tc.gc.ca;* internet *https://tc.canada.ca/en/aviation.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0031.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0031; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0031; Project Identifier MCAI–2020–01420–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@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.

Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2020–42, issued October 16, 2020 (TCCA AD CF–2020–42) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes.

This proposed AD was prompted by reports of corrosion on the waste box, waste access doubler, and waste service door 146BR of the rear fuselage due to contamination from waste valve leakage. Some corrosion damage has been severe enough to need structural repairs or replacement of affected parts. The FAA is proposing this AD to address this corrosion, which could lead to cracking or holes in the waste box or airplane skin, and consequent cabin pressure leakage and catastrophic structural damage of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

TCCA AD CF–2020–42 describes procedures for a general visual inspection for corrosion of the waste box, waste access doubler, and waste service door 146BR of the rear fuselage; application of protective coating in the waste box area; and corrective actions. The corrective actions include repair of any corrosion found. This material 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.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in TCCA AD CF–2020–42, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, TCCA AD CF–2020–42 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with TCCA AD CF–2020–42 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in TCCA AD CF–2020–42 that is required for compliance with TCCA AD CF–2020–42 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0031 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 28 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
8 work-hours × $85 per hour = $680	$0	$680	$19,040

The FAA has received no definitive data on which to base the cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2021–0031; Project Identifier MCAI–2020–01420–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 12, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (type certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada Civil Aviation (TCCA) AD CF–2020–42, issued October 16, 2020 (TCCA AD CF–2020–42).

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by reports of corrosion on the waste box, waste access doubler, and waste service door of the rear fuselage due to contamination from waste valve leakage. The FAA is issuing this AD to address this corrosion, which could lead to cracking or holes in the waste box or airplane skin, and consequent cabin pressure leakage and catastrophic structural damage of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, TCCA AD CF–2020–42.

(h) Exception to TCCA AD CF–2020–42

Where TCCA AD CF–2020–42 specifies a compliance time of ''Within 14,200 flight cycles or 56 months from the aeroplane date of manufacture, as identified on the identification plate of the aeroplane'' or ''Within 9,900 flight cycles or 56 months from the aeroplane date of manufacture, as identified on the identification plate of the aeroplane,'' depending on airplane configuration, to accomplish corrective actions, this AD requires that corrective actions be done before further flight after detection of corrosion, as detected in applicable service information identified in TCCA AD CF–2020–42.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. 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.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Airbus Canada's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) For TCCA AD CF–2020–42, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, CANADA; telephone 888–663–3639; email *AD-CN@tc.gc.ca;* internet *https://tc.canada.ca/en/aviation.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0031.

(2) For more information about this AD, contact Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

Issued on February 4, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03580 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0018; Project Identifier MCAI–2020–01214–T]

RIN 2120–AA64

Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2015–17–08, which applies to certain Bombardier, Inc. Model DHC–8–400 series airplanes. AD 2015–17–08 requires installing new cable assemblies with a pull-down resistor. Since the FAA issued AD 2015–17–08, a modification has been developed to address all known single point failures that could lead to runaway of the nose wheel steering (NWS) system. This proposed AD would require modifications to the NWS system. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 12, 2021.

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

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

- *Fax:* 202–493–2251.
- *Mail*: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0018; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0018; Project Identifier MCAI–2020–01214–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@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.

Discussion

The FAA issued AD 2015–17–08, Amendment 39–18241 (80 FR 51459, August 25, 2015) (AD 2015–17–08), for certain Bombardier, Inc. Model DHC–8–400 series airplanes. AD 2015–17–08 requires installing new cable assemblies with a pull-down resistor. AD 2015–17–08 resulted from an in-service report of an uncommanded and unannunciated nose wheel steering during airplane pushback from the gate. The FAA issued AD 2015–17–08 to address an uncommanded nose wheel steering during takeoff or landing in the event of an open circuit in the steering system, and possible consequent runway excursion.

Actions Since AD 2015–17–08 Was Issued

Since the FAA issued AD 2015–17–08, De Havilland Aircraft of Canada Limited has developed a modification to address all known single point failures that could lead to runaway of the NWS system. The FAA considered AD 2015–17–08 interim action since it did not address all of the concerns identified during the design review following the incident that prompted AD 2015–17–08. The FAA has determined that the modification specified in this proposed AD is necessary to address the unsafe condition, including concerns not addressed by AD 2015–17–08.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2020–28, dated August 14, 2020 (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0018.

This proposed AD was prompted by a report indicating that several failure modes of the NWS system may cause the loss of feedback from both rotary variable differential transformers to the steering control unit. The FAA is proposing this AD to address failure modes of the NWS system, which could lead to NWS runaway, loss of directional control of the airplane, and possible consequent runway excursion. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

De Havilland Aircraft of Canada Limited has issued Service Bulletin 84–32–162, Revision B, dated November 13, 2019, including UTC Aerospace Systems Service Bulletin 406300–32–142, dated June 24, 2019; and UTC Aerospace Systems Service Bulletin 406330–32–143, dated June 24, 2019. This service information describes procedures for modifying the NWS system (terminating wiring, reworking the left-hand console frame, and installing an NWS electronic control unit and NWS hand control). 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.

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 the FAA's bilateral agreement with the State

of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would retain none of the requirements of AD 2015–17–08. This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The FAA estimates that this proposed AD affects 54 airplanes of U.S. registry.

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

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification	13 work-hours × $85 per hour = $1,105	Up to $122	Up to $1,227	Up to $65,258.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA has determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–17–08, Amendment 39–18241 (80 FR 51459, August 25, 2015), and adding the following new AD:

De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.): Docket No. FAA–2021–0018; Project Identifier MCAI–2020–01214–T.

(a) Comments Due Date

The FAA must receive comments by April 12, 2021.

(b) Affected Airworthiness Directives (ADs)

This AD replaces AD 2015–17–08, Amendment 39–18241 (80 FR 51459, August 25, 2015) (AD 2015–17–08).

(c) Applicability

This AD applies to De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes, certificated in any category, serial numbers 4001, and 4003 through 4608 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by a report indicating that several failure modes of the nose wheel steering (NWS) system may cause the loss of feedback from both rotary variable differential transformers to the steering control unit. The FAA is issuing this AD to address failure modes of the NWS system, which could lead to NWS runaway, loss of directional control of the airplane, and possible consequent runway excursion.

(f) Compliance

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

(g) New Requirement of this AD

Within 4,000 flight hours or 18 months, whichever occurs first after the effective date of this AD: Perform modifications to the NWS system, in accordance with paragraph 3.B of the Accomplishment Instructions of De Havilland Aircraft of Canada Limited Service Bulletin 84–32–162, Revision B, dated November 13, 2019, including UTC Aerospace Systems Service Bulletin 406300–32–142, dated June 24, 2019; and UTC Aerospace Systems Service Bulletin 406330–32–143, dated June 24, 2019.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using De Havilland Aircraft of Canada Limited Service Bulletin 84–32–162, dated August 26, 2019, including UTC Aerospace Systems Service Bulletin 406300–32–142, dated June 24, 2019; and UTC Aerospace Systems Service Bulletin 406330–32–143, dated June 24, 2019; or De Havilland Aircraft of Canada Limited Service Bulletin 84–32–162, Revision A, dated October 18, 2019, including UTC Aerospace Systems Service Bulletin 406300–32–142, dated June 24, 2019; and UTC Aerospace Systems Service Bulletin 406330–32–143, dated June 24, 2019.

(i) Other FAA AD Provisions

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or De Havilland Aircraft of Canada Limited's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2020–28, dated August 14, 2020, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0018.

(2) For more information about this AD, contact Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on January 27, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03597 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0019; Project Identifier MCAI–2020–01388–T]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This proposed AD was prompted by reports of deficiencies in the primary flight control computer (PFCC) and remote electronics unit (REU) software. This proposed AD would require installation of a software update to correct deficiencies in the PFCC and REU software, as specified in a Transport Canada Civil Aviation (TCCA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 12, 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 TCCA material that will be incorporated by reference (IBR) in this AD, contact Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5 CANADA; phone 888–663–3639; email *AD-CN@tc.gc.ca;* internet *https://tc.canada.ca/en/aviation.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0019.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0019; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0019; Project Identifier MCAI–2020–01388–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; fax 516–794–5531; email *9-avs-nyaco-cos@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.

Discussion

TCCA, which is the aviation authority for Canada, has issued Canadian AD CF–2020–36, dated October 8, 2020 (TCCA AD CF–2020–36) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes.

This proposed AD was prompted by reports of deficiencies in the PFCC and REU software. The FAA is proposing this AD to address software deficiencies that, if not corrected, could impact flight control functions, which could prevent continued safe flight and landing. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

TCCA AD CF–2020–36 describes procedures for installing updated PFCC and REU software; this installation includes pre-requisites that must be met prior to the installation (installing certain database versions and software). This material 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.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in TCCA AD CF–2020–36, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and the European Aviation Safety Agency (EASA) to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, TCCA AD CF–2020–36 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with TCCA AD CF–2020–36 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in TCCA AD CF–2020–36 that is required for compliance with TCCA AD CF–2020–36 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0019 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 38 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 18 work-hours × $85 per hour = $1,530	Up to $21,100 *	Up to $22,630	Up to $859,940.

* Parts cost to load the software in the REUs.

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2021–0019; Project Identifier MCAI–2020–01388–T.

(a) Comments Due Date

The FAA must receive comments by April 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Canadian AD CF–2020–36, dated October 8, 2020 (TCCA AD CF–2020–36).

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight control system.

(e) Reason

This AD was prompted by reports of deficiencies in the primary flight control computer (PFCC) and remote electronics unit (REU) software. The FAA is issuing this AD to address software deficiencies that, if not corrected, could impact flight control functions, which could prevent continued safe flight and landing.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, TCCA AD CF–2020–36. The pre-requisites specified in the service information referenced in TCCA AD CF–2020–36 must be met prior to accomplishing the required actions.

(h) Exception and Clarification of TCCA AD CF–2020–36

(1) Where TCCA AD CF–2020–36 refers to its effective date, this AD requires using the effective date of this AD.

(2) The compliance time for the actions required by paragraph (g) of this AD is the earliest of the times specified in paragraphs (h)(2)(i) through (iii) of this AD.

(i) Prior to the accumulation of 12,000 total flight hours.

(ii) Within 56 months after the effective date of this AD.

(iii) Within 9,350 flight hours after the effective date of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Airbus Canada Limited Partnership's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) For TCCA AD CF–2020–36, contact Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5 CANADA; phone 888–663–3639; email *AD-CN@tc.gc.ca;* internet *https://tc.canada.ca/en/aviation.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0019.

(2) For more information about this AD, contact Thomas Niczky, Aerospace Engineer, Avionics and Electrical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7347; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

Issued on January 28, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03602 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0093; Project Identifier MCAI–2020–01213–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. This proposed AD was prompted by reports indicating that the left- and right-hand elevator torque tube bearings were contaminated with sand and corrosion, restricting free rotation. This proposed AD would require repetitive general visual inspections of the left- and right-hand elevator torque tube bearings for any sand, dust, or corrosion; repetitive functional tests of the elevator control system; and replacement of the elevator torque tube bearings if necessary. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 12, 2021.

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

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

For service information identified in this NPRM, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0093; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0093; Project Identifier MCAI–2020–01213–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@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.

Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2020–29, dated August 21, 2020 (referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0093.

This proposed AD was prompted by reports indicating that the left- and right-hand elevator torque tube bearings were contaminated with sand and corrosion, restricting free rotation. The FAA is proposing this AD to address sand contamination and corrosion of the elevator torque tube bearings, which could lead to binding or seizure of the bearings, and potentially lead to a reduction in or loss of airplane pitch control. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service information.

- Bombardier Service Bulletin 700–1A11–27–041, Revision 1, dated December 7, 2020.
- Bombardier Service Bulletin 700–27–083, Revision 1, dated December 7, 2020.
- Bombardier Service Bulletin 700–27–5012, Revision 1, dated December 7, 2020.
- Bombardier Service Bulletin 700–27–5503, Revision 1, dated December 7, 2020.
- Bombardier Service Bulletin 700–27–6012, Revision 1, dated December 7, 2020.
- Bombardier Service Bulletin 700–27–6503, Revision 1, dated December 7, 2020.

This service information describes procedures for repetitive general visual inspections of the left- and right-hand elevator torque tube bearings for any sand, dust, or corrosion; repetitive functional tests of the elevator control system; and corrective actions including replacement of the elevator torque tube bearings if necessary. These documents are distinct since they apply to different airplane models and serial numbers.

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.

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 the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously. This proposed AD also would require sending the inspection results to Bombardier.

Costs of Compliance

The FAA estimates that this proposed AD affects 392 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
22 work-hours × $85 per hour = $1,870	Up to $4 (for four cotter pins) **	Up to $1,874	Up to $734,608.

* Table does not include estimated costs for reporting.
** Parts cost include replacement parts where necessary.

The FAA estimates that it would take about 1 work-hour per product to comply with the proposed reporting requirement in this proposed AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the cost of reporting the inspection results on U.S. operators to be $33,320, or $85 per product.

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
5 work-hours × $85 per hour = $425	$271 (for four bearings)	$696

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators. The FAA does not control warranty coverage for affected operators. As a result, the FAA has included all known costs in the cost estimate.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this proposed AD is 2120–0056. The paperwork cost associated with this proposed AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this proposed AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2021–0093; Project Identifier MCAI–2020–01213–T.

(a) Comments Due Date

The FAA must receive comments by April 12, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to all Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by reports indicating that the left- and right-hand elevator torque tube bearings were contaminated with sand and corrosion, restricting free rotation. The FAA is issuing this AD to address sand contamination and corrosion of the elevator torque tube bearings, which could lead to binding or seizure of the bearings, and potentially lead to a reduction in or loss of airplane pitch control.

(f) Compliance

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

(g) Inspection and Corrective Actions

Within 36 months from the effective date of this AD or within 63 months from the date of airplane manufacture, as identified on the identification plate of the airplane, whichever occurs later: Do a general visual inspection of the left- and right-hand elevator torque tube bearings for any sand, dust, or corrosion; perform a functional test of the elevator control system; and do all applicable corrective actions; in accordance with the Accomplishment Instructions of paragraphs 2.B., 2.C., and 2.D. of the applicable service information specified in figure 1 to paragraph (g) of this AD. Applicable corrective actions must be done before further flight. Repeat the general visual inspection and functional test thereafter at intervals not to exceed 63 months.

Figure 1 to paragraph (g) – *Service Information*

For Model–	Having Serial numbers–	Use Bombardier Service Bulletin–
BD-700-1A10 airplanes	9002 to 9312, 9314 to 9380, and 9384 to 9429 inclusive	700-27-083, Revision 1, dated December 7, 2020
BD-700-1A10 airplanes	9313, 9381, 9432 to 9860, 9863 to 9871, 9873 to 9997, and 60005 to 61999[1] inclusive	700-27-6012, Revision 1, dated December 7, 2020
BD-700-1A10 airplanes	9861, 9872, and 60001 to 61999[1] inclusive	700-27-6503, Revision 1, dated December 7, 2020
BD-700-1A11 airplanes	9127 to 9383, 9389 to 9400, 9404 to 9431, and 9998	700-1A11-27-041, Revision 1, dated December 7, 2020
BD-700-1A11 airplanes	9386, 9401, 9445 to 9862, and 9868 to 9997 inclusive	700-27-5012, Revision 1, dated December 7, 2020
BD-700-1A11 airplanes	60007 to 61999 inclusive	700-27-5503, Revision 1, dated December 7, 2020

[1] Certain serial numbers are identified by the "Global 6000 and Global 6500" marketing designations for Model BD-700-1A10 airplanes. Paragraph 1.M., "Equivalent Service Bulletins," of the applicable service information identifies related service information using these marketing designations.

(h) Reporting Requirement

At the applicable time specified in paragraph (h)(1) or (2) of this AD, submit a report of all findings, positive and negative, of each of the first three inspections required by paragraph (g) of this AD. Submit the report to Bombardier, in accordance with the details specified in the applicable service information specified in figure 1 to paragraph (g) of this AD.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the applicable service information in paragraphs (i)(1) through (6).

(1) Bombardier Service Bulletin 700–1A11–27–041, dated July 23, 2020.

(2) Bombardier Service Bulletin 700–27–083, dated July 23, 2020.

(3) Bombardier Service Bulletin 700–27–5012, dated July 23, 2020.

(4) Bombardier Service Bulletin 700–27–5503, dated July 23, 2020.

(5) Bombardier Service Bulletin 700–27–6012, dated July 23, 2020.

(6) Bombardier Service Bulletin 700–27–6503, dated July 23, 2020.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory as required by this AD. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2020–29, dated August 21, 2020, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0093.

(2) For more information about this AD, contact Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA,

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

Issued on February 9, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03588 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0023; Project Identifier MCAI–2020–01407–T]

RIN 2120–AA64

Airworthiness Directives; Saab AB, Support and Services (Formerly Known as Saab AB, Saab Aeronautics) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Saab AB, Support and Services Model SAAB 2000 airplanes. This proposed AD was prompted by a report indicating that the left-hand main landing gear (MLG) collapsed after touchdown, causing severe damage to the airplane. This proposed AD would require modifying the MLG hydraulic transfer valve, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 12, 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 material that will be incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0023.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0023; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *Shahram.Daneshmandi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0023; Project Identifier MCAI–2020–01407–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *Shahram.Daneshmandi@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.

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0233, dated October 14, 2020 (EASA AD 2020–0233) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Saab AB, Support and Services Model SAAB 2000 airplanes.

This proposed AD was prompted by a report indicating that the left-hand MLG collapsed after touchdown, causing severe damage to the airplane. The FAA is proposing this AD to address abnormal behavior of the MLG hydraulic transfer valve due to a restriction in hydraulic flow, which could cause the MLG hydraulic transfer valve to not function properly and fail to retract, extend, or lock the MLG, and possibly result in MLG collapse following landing and consequent damage to the airplane and injury to occupants. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0233 describes procedures for modifying the MLG hydraulic transfer valve. This

modification includes installing a new relay, relocation of wiring, and installation of new wiring, to ensure that, when the emergency extension handle is used, the transfer valve solenoid is energized to force the transfer valve to the ''gear down'' position. This material 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.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0233 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0233 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0233 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0233 that is required for compliance with EASA AD 2020–0233 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0023 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 8 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
20 work-hours × $85 per hour = $1,700	$1,875	$3,575	$28,600

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Saab AB, Support and Services (Formerly Known as Saab AB, Saab Aeronautics): Docket No. FAA–2021–0023; Project Identifier MCAI–2020–01407–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Saab AB, Support and Services Model SAAB 2000 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by a report indicating that the left-hand main landing gear (MLG) collapsed after touchdown, causing severe damage to the airplane. The FAA is issuing this AD to address abnormal behavior of the MLG hydraulic transfer valve due to a restriction in hydraulic flow, which could cause the MLG hydraulic transfer valve to not function properly and fail to retract, extend, or lock the MLG, and possibly result in MLG collapse following landing and consequent damage to the airplane and injury to occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0233, dated October 14, 2020 (EASA AD 2020–0233).

(h) Exceptions to EASA AD 2020–0233

(1) Where EASA AD 2020–0233 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0233 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, 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 responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Saab AB, Support and Services' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) For EASA AD 2020–0233, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0023.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; *Shahram.Daneshmandi@faa.gov.*

Issued on February 1, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03575 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0026; Project Identifier AD–2020–01164–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This proposed AD was prompted by a report indicating that a crack was found on the splice angle flange that is attached to the station (STA) 540 bulkhead in the area between certain stringers. This proposed AD would require repetitive surface high frequency eddy current (HFEC) inspections at the radius of the left- and right side of the STA 540 bulkhead splice angle for any cracking and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 12, 2021.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0026.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0026; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: George Garrido, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garrido@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send

your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0026; Project Identifier AD–2020–01164–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to George Garrido, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garrido@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.

Discussion

The FAA has received a report from Boeing indicating that a crack was found on the splice angle flange that is attached to the STA 540 bulkhead in the area between stringer 21 to stringer 22. The crack was found during the accomplishment of Supplemental Structural Inspection Document (SSID) F–25A on a Model 737–300 airplane. The airplane had accumulated 80,634 flight hours and 62,768 flight cycles at the time of the crack finding. This condition, if not addressed, could result in the inability of a principal structural element to sustain limit load and could adversely affect the structural integrity of the airplane; in addition, such cracking could lead to adjoining parts cracking and a potential fuel leak and consequent fire.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020. The service information describes procedures for repetitive surface HFEC inspections at the radius of the left- and right side of the STA 540 bulkhead splice angle for any cracking and applicable on-condition actions. On-condition actions include repair or replacement.

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.

Explanation of Applicability

Model 737 airplanes having line numbers 1 through 291 have a limit of validity (LOV) of 34,000 total flight cycles, and the actions proposed in this NPRM, as specified in Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020, would be required at a compliance time occurring after that LOV. Although operation of an airplane beyond its LOV is prohibited by 14 CFR 121.1115 and 129.115, this NPRM would include those airplanes in the applicability so that these airplanes are tracked in the event the LOV is extended in the future.

FAA's Determination

The FAA is proposing this AD because the agency evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified in Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0026.

Explanation of Requirements Bulletin

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement is a process for annotating which steps in the service information are ''required for compliance'' (RC) with an AD. Boeing has implemented this RC concept into Boeing service bulletins.

In an effort to further improve the quality of ADs and AD-related Boeing service information, a joint process improvement initiative was worked between the FAA and Boeing. The initiative resulted in the development of a new process in which the service information more clearly identifies the actions needed to address the unsafe condition in the ''Accomplishment Instructions.'' The new process results in a Boeing Requirements Bulletin, which contains only the actions needed to address the unsafe condition (*i.e.,* only the RC actions).

Costs of Compliance

The FAA estimates that this proposed AD affects 117 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive surface HFEC inspections.	7 work-hour × $85 per hour = $595 per inspection cycle.	$0	$595 per inspection cycle.	$69,615 per inspection cycle.

The FAA estimates the following costs to do any necessary on-condition actions that would be required. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 53 work-hour × $85 per hour = Up to $4,505 (replacement)	Up to $1,000	Up to $5,505.

The FAA has received no definitive data on which to base the cost estimates for the on-condition repair specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2021–0026 Project Identifier AD–2020–01164–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by a report indicating that a crack was found on the splice angle flange that is attached to the station (STA) 540 bulkhead in the area between stringer 21 to stringer 22. The FAA is issuing this AD to address any cracking in the splice angle, which could result in the inability of a principal structural element to sustain limit load and could adversely affect the structural integrity of the airplane; in addition, such cracking could lead to adjoining parts cracking and a potential fuel leak and consequent fire.

(f) Compliance

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

(g) Required Actions

(1) For airplanes identified as Group 1 in Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020: Within 120 days after the effective date of this AD, inspect the airplane and do all applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(2) For airplanes identified as Group 2 in Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020: Except as specified by paragraph (h) of this AD, at the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–57A1347, dated July 29, 2020, which is referred to in Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020, uses the phrase ''the original issue date of Requirements Bulletin 737–57A1347 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin 737–57A1347 RB, dated July 29, 2020, specifies contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(j) Related Information

(1) For more information about this AD, contact George Garrido, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO

Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garrido@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on February 3, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03577 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0029; Project Identifier MCAI–2020–01216–T]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Dassault Aviation Model FALCON 7X airplanes and Model FALCON 2000EX airplanes. This proposed AD was prompted by a report that non-certified ANCRA seat tracks were installed on some airplanes and that those seat tracks might not sustain required loads during an emergency landing. This proposed AD would require replacement of certain ANCRA seat tracks with certified (Brownline) seat tracks, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 12, 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 material that will be incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0029.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0029; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *tom.rodriguez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0029; Project Identifier MCAI–2020–01216–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *tom.rodriguez@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.

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0188, dated August 24, 2020 (EASA AD 2020–0188) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Dassault Aviation Model FALCON 7X airplanes and Model FALCON 2000EX airplanes.

This proposed AD was prompted by a report that non-certified ANCRA seat tracks were installed on some airplanes and that those seat tracks might not sustain required loads during an emergency landing. The FAA is proposing this AD to address seat tracks that could fail and lead to seat detachment during an emergency landing, which could result in injury to airplane occupants and prevent evacuation of the airplane. See the

MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0188 describes procedures for replacement of certain ANCRA seat tracks with certified (Brownline) seat tracks. This material 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.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0188 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0188 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0188 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0188 that is required for compliance with EASA AD 2020–0188 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0029 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 5 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
10 work-hours × $85 per hour = $850	Up to $1,900	Up to $2,750	Up to $13,750.

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators. The FAA does not control warranty coverage for affected operators. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Dassault Aviation: Docket No. FAA–2021–0029; Project Identifier MCAI–2020–01216–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 12, 2021.

(b) Affected Airworthiness Directives

None.

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 7X airplanes and Model FALCON 2000EX airplanes, certificated in

any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0188, dated August 24, 2020 (EASA AD 2020–0188).

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/Furnishings.

(e) Reason

This AD was prompted by a report that non-certified ANCRA seat tracks were installed on some airplanes and that those seat tracks might not sustain required loads during an emergency landing. The FAA is issuing this AD to address seat tracks that could fail and lead to seat detachment during an emergency landing, which could result in injury to airplane occupants and prevent evacuation of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2020–0188.

(h) Exceptions to EASA AD 2020–0188

(1) Where EASA AD 2020–0188 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0188 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0188 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, 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 responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) For information about EASA AD 2020–0188, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0029.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *tom.rodriguez@faa.gov.*

Issued on February 4, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–03579 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0030; Project Identifier MCAI–2020–01395–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–1A10 airplanes. This proposed AD was prompted by a report indicating that during installation, a fuel pipe bracket assembly on the intermediate rib in the center fuel tank was mislocated, resulting in an offset between the fitting assembly and the refuel/defuel tube assembly. This proposed AD would require modification of the fuel pipe bracket assembly, including all related investigative actions and corrective actions, if necessary; and performing an operational test of the refuel and defuel system. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 12, 2021.

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

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

For service information identified in this NPRM, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0030; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0030; Project Identifier MCAI–2020–01395–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any

recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@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.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2020–37, dated October 9, 2020 (referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Bombardier, Inc., Model BD–700–1A10 airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0030.

This proposed AD was prompted by a report indicating that during installation, a fuel pipe bracket assembly on the intermediate rib in the center fuel tank was mislocated, resulting in an offset between the fitting assembly and the refuel/defuel tube assembly. The FAA is proposing this AD to address the offset, which could cause a preload on the fuel pipes and reduce their ability to absorb shock or vibration-induced loads, making the tube and clamp more prone to stress corrosion cracking. This could lead to failure of the coupling and the bracket and p-clamp assembly, resulting in fuel leakage and loss of electrical bonding between fuel pipes, and lightning-induced sparking that could induce fuel ignition. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletin 700–28–6006, dated June 1, 2020. This service information describes procedures for a modification of the fuel pipe bracket assembly, including investigative actions (a detailed visual inspection of the fuel pipe assembly for any damaged paint, permanent deformation, corrosion, cracking, gouges, dents, or deep scratches); installation of certain new parts; replacement of the fuel pipe and fuel pipe bracket assembly, if necessary; and an operational test of the refuel and defuel system. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

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 the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The FAA estimates that this proposed AD affects 51 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
10 work-hours × $85 per hour = $850	$904	$1,754	$89,454

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
3 work-hours × $85 per hour = $255	$1,937	$2,192

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2021–0030; Project Identifier MCAI–2020–01395–T.

(a) Comments Due Date

The FAA must receive comments by April 12, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–1A10 airplanes, certificated in any category, serial numbers 9657 through 9844 inclusive.

(d) Subject

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

(e) Reason

This AD was prompted by a report indicating that during installation, a fuel pipe bracket assembly on the intermediate rib in the center fuel tank was mislocated, resulting in an offset between the fitting assembly and the refuel/defuel tube assembly. The FAA is issuing this AD to address the offset, which could cause a preload on the fuel pipes and reduce their ability to absorb shock or vibration-induced loads, making the tube and clamp more prone to stress corrosion cracking. This could lead to failure of the coupling and the bracket and p-clamp assembly, resulting in fuel leakage and loss of electrical bonding between fuel pipes, and lightning-induced sparking that could induce fuel ignition.

(f) Compliance

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

(g) Inspection and Corrective Action

Within 30 months after the effective date of this AD: Perform a modification of the fuel pipe bracket assembly and refuel tube assembly; do all related investigative actions and applicable corrective actions; and perform an operational test of the refuel and defuel system; in accordance with paragraphs 2.B. and 2.C. of the Accomplishment Instructions of Bombardier Service Bulletin 700–28–6006, dated June 1, 2020. All related investigative and corrective actions must be done before further flight.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2020–37, dated October 9, 2020, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0030.

(2) For more information about this AD, contact Siddeeq Bacchus, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7362; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on February 4, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03585 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2020–0755; Airspace Docket No. 19–AAL–83]

RIN 2120–AA66

Proposed Amendment of R–2206 and Establishment of Restricted Areas R–2206B, R–2206C, R–2206D, R–2206E, R–2206F, and R–2206G; Clear, AK

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to rename the established restricted areas R–2206 to R–2206A and establish six new restricted areas R–2206B, R–2206C, R–2206D, R–2206E, R–2206F, and R–2206G, over the Clear Air Force Station (Clear AFS) at Clear, AK. The United States Air Force (USAF) on behalf of the Missile Defense Agency (MDA) requested this action to protect aircraft from hazardous High-Intensity Radiated Field (HIRF) produced by the Long Range Discrimination Radar (LRDR) at Clear AFS. LRDR contributes to the MDA's mission of developing and deploying a layered Department of Defense (DoD) Ballistic Missile Defense System (BMDS) to defend the United States from ballistic missile attacks of all ranges in all phases of flight. The proposed restricted areas are necessary to protect aviation from the hazardous HIRF and segregate non-participating aircraft.

DATES: Comments must be received on or before April 26, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket Number FAA–2020–0755; Airspace Docket No. 19–AAL–83 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Christopher McMullin, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code (U.S.C.). Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish restricted airspace at Clear, AK, to protect aviation from activities deemed hazardous to nonparticipating aircraft.

Comments Invited

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

Communications should identify both docket numbers (FAA Docket Number FAA–2020–0755; Airspace Docket No. 19–AAL–83) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket FAA–2020–0755; Airspace Docket No. 19–AAL–83.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRM

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Background

History of R–2206 and Clear Airport, AK

R–2206 was initially established as R–20 for a limited duration effective January 1, 1961 (25 FR 12174), over the Clear AFS, at Clear, AK, to protect the National Airspace System (NAS) while a potential radiation hazard caused by the Ballistic Missile Early Warning System (BMEWS) was assessed by the USAF. The designation of R–2206 was later amended to extend the duration for an indefinite period in May 1962 (27 FR 4553) due to ongoing concern regarding the radiation hazard associated with BMEWS.

Initially established for private use by the military in support of the BMEWS mission, Clear Airport (PACL) is located less than ½ Nautical Mile (NM) from the eastern boundary of R–2206. The airport was leased by the Secretary of the Air Force to the State of Alaska on December 20, 1974. The FAA performed an airspace review and issued a letter of ''no objection'' to convert the airport from private to public use on January 20, 1976.[1] Subsequently, the land (1,814 acres) was declared surplus excess by the USAF and conveyed to the State of Alaska in the late 1980s. PACL has remained in its original location since being converted to public use. The FAA did not object to the proximity of R–2206 to the airport when it was converted to a public use airport, because at the time of conversion, there was no established standard to separate restricted areas and public use airports.

[1] A copy of this letter has been placed in the docket for this rulemaking.

The minimum standard for exclusion of airspace 1,500 feet AGL and below within a 3 NM radius of airports available for public use was established in the September 16, 1993, edition of FAA Order JO 7400.2, *Procedures for Handling Airspace Matters.*[2] The FAA therefore considers the original R–2206 as grand-fathered under the ''1,500AGL/3NM'' restricted area exclusion in FAA Order JO 7400.2.[3]

What drove MDAs LRDR to Clear AK?

Section 235(a)(1) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2014 required MDA to deploy a LRDR to protect the United States against long-range ballistic missile threats from the Democratic People's Republic of Korea and to locate the LRDR ''at a location optimized to support the defense of the homeland of the United States.'' Public Law 113–66; 10 U.S.C. 2431 (Dec. 26, 2013). Section 235(b)(1) of the NDAA for FY 2014 also required the Secretary of Defense to ensure capability ''to deploy additional tracking and discrimination sensor capabilities to support the defense of the homeland of the United States from future long-range ballistic missile threats that emerge from Iran.''

Section 1684 of the NDAA for FY 2016 expressed ''the sense of Congress that additional missile defense sensor discrimination capabilities are needed to enhance the protection of the United States homeland against potential long-range ballistic missiles from Iran that, according to the Department of Defense, could soon be obtained by Iran as a result of its active space launch program.'' Public Law 114–92; 10 U.S.C. 2431 (Jan. 6, 2015). Moreover, Sec. 1684(d)(1) of the NDAA for FY 2016 established a deadline for deployment of a defensive system by December 31, 2020.

After a detailed evaluation of cost, schedule, and performance as well as other mission related factors, the DoD determined that Clear AFS was the preferred site for the LRDR and designated the USAF as the lead service for LRDR.

What is the mission of LRDR?

The mission of the LRDR program is to define, develop, acquire, test, field, and sustain the LRDR as an element of the DoD BMDS in support of the Ground-Based Midcourse Defense (GMO) program's Homeland Defense Capability. The LRDR will provide persistent long-range midcourse discrimination, precision tracking, and hit assessment to support the GMO capability against long-range missile threats originating from North Korea and Iran. LRDR contributes to MDA's mission of developing and deploying a layered BMDS to defend the United States from ballistic missile attacks of all ranges in all phases of flight. LRDR's improved discrimination capability increases the defensive capacity of the homeland defense interceptor inventory by enabling the conservation of ground-based interceptors. LRDR also supports additional DoD mission areas such as Space Situational Awareness and Intelligence Data Collection. Changes in operational posture due to the evolving threat, which would result in LRDR deployment with unacceptable levels of HIRF exposure for aviation, necessitate the requirement for additional restricted airspace to support LRDR's critical national defense mission at Clear AFS.

USAF Proposal to the FAA

By memorandum dated September 30, 2019, the USAF submitted a proposal to the FAA to establish two new restricted areas in the vicinity of Clear AFS, to protect the NAS from the HIRF produced by the LRDR. The proposed restricted airspace requires lateral and vertical limits larger than the current R–2206 to support the deployment of the DoD's LRDR to meet increased warfighter defense and readiness postures. This proposal would maintain the existing restricted area R–2206 in its current configuration but rename it R–2206A, and would supplement this area with six new restricted areas designated R–2206B, R–2206C, R–2206D, R–2206E, R–2206F, and R–2206G. This proposal would exclude airspace 1,500 feet AGL and below within a 3 NM radius of PACL for the new restricted areas, with exceptions. The exceptions would limit activation of lower altitude restricted areas near PACL airport (*i.e.,* proposed R–2206D and R–2206E) to three times a week for two hours, and other times by Notice to Airmen (NOTAM). The FAA identified the need for one of the new restricted areas (*i.e.,* R–2206F) that provides an additional 1,100 feet of navigable airspace along Parks Highway to the Northeast of Clear, AK. This additional restricted area would allow for a visual route following a known landmark during normal operations. The addition of the new restricted area to the proposal lead the FAA to re-letter the proposed restricted areas for a more logical sequence: From low to high on the west side and then from low to high on the east side.

For purposes of this rulemaking, the FAA has approved a deviation from the ''1,500AGL/3NM'' restricted area exclusion standard in paragraph 23–1–4–c of FAA JO 7400.2 for this USAF restricted area proposal, given the extraordinary nature of the LRDR national defense mission required by Congress, the limited citing options available to the USAF to achieve its mission, and the FAA's ability to identify and implement airspace safety and access mitigations at Clear, Alaska.

As previously explained, the NDAA for FY 2014 required MDA to deploy a LRDR ''at a location optimized to support the defense of the homeland of the United States.''[4] Moreover, MDA was subsequently directed to deploy the system by December 31, 2020. The FY2016 NDAA created the LRDR program of record and required ''in a location optimized to support the defense of the homeland of the United States from emerging long-range ballistic missile threats from Iran.''[5] To support implementation of this mission, the MDA narrowed the LRDR site selection from 50 possible locations to two locations in Alaska based on evaluative criteria that included, construction and schedule timelines in light of the NDAA mandate, mission assurance, impacts to existing civilian and military infrastructure, and other resource considerations. Of the two remaining sites, only Clear AFS met all of the levied LRDR requirements. The alternative option in Alaska, Eareckson AFS, was ruled out due to remote geographical concerns, which added unacceptable risk to timely and successful deployment as compared to Clear AFS. Moreover, the MDA concluded that the Clear AFS location in Central Alaska offered expanded engagement space necessary to fulfill the LRDR mission. This additional engagement space affords more visibility of hostile threat complexes and greater time to track, discriminate and target lethal incoming objects and results in a much greater probability of successful target intercept. The siting recommendation of Clear AFS was approved in 2016 by the USAF and funding for LRDR at Clear AFS was approved in the FY17 National Defense Authorization Act.[6]

The FAA supports a limited deviation in this NPRM based upon the FAA's ability to balance successfully the national defense interests of the LRDR

[2] The current version of this Order is accessible at: *https://www.faa.gov/documentLibrary/media/Order/7400.2M_Bsc_w_Chg_1_2_dtd_7_16_20.pdf. See* sub-section 23–1–4, Restricted Area Floor.

[3] The FAA intends to revise FAA Order JO 7400.2 to reflect this grand-fathering policy.

[4] Public Law 113–66; 10 U.S.C. 2431 (Dec. 26, 2013).

[5] Public Law 114–92; 10 U.S.C. 2431 (Jan. 6, 2015).

[6] Public Law 114–328; 10 U.S.C. 2431 (Dec. 23, 2016).

system against the optimum use of airspace and ability to ensure safe operation of the NAS during LRDR deployments. Indeed, the DoD proposal incorporates limited activation times for the proposed restricted areas that do not meet the ''1,500AGL/3NM'' restricted area exclusion standard (*i.e.,* proposed R–2206D and R–2206E), which would be reserved for scheduled calibration of the LRDR and real world emergency or extraordinary events. In usual defensive posture, all active restricted areas would comply with the ''1,500AGL/3NM'' restricted area exclusion standard. This segmented approach is expected to reduce the overall impact of the LRDR HIRF to civil aviation near PACL. Moreover, the proposal includes a requirement for coordination procedures to be included in a Letter of Procedure (LOP), further ensuring the safe operation of aircraft and preservation of access to the airspace in and around PACL. The LOP would provide that every effort will be made to ensure that emergency aircraft and in-flight emergencies needing access to the proposed special use airspace (SUA) are prioritized and accommodated safely (*i.e.,* by deactivation of the LRDR).

The FAA therefore proposes these restricted areas, seeking a balance between civil aviation activities and the national defense of the United States. The FAA emphasizes that any deviations from FAA Orders are reviewed on a case-by-case basis and reserved for extraordinary circumstances under which the FAA may determine that the national defense benefits of a deviation outweigh the costs of additional airspace mitigations to manage the safe and efficient operation of the NAS and impacts on the access to public use airports by the flying public. The decision to deviate from FAA Order JO 7400.2 in this NPRM is not binding on future determinations by the FAA concerning whether to approve a deviation. Any future requests will be evaluated on their merits, based on the facts and circumstances available at that time and consistent with the FAA's statutory responsibilities.

What activities will take place within R–2206 A through G?

The activity to be performed at Clear AFS within the proposed restricted areas is Ballistic Missile Defense of the United States. System testing is expected to begin in early 2021 and full operational capability, to include integration into the DoD BMDS, is expected to occur in 2022. During the system testing phase, the FAA has agreed to establish 14 CFR 99.7, special security instructions (SSI), implemented as a temporary flight restriction, as an interim airspace mitigation to protect aviation from the HIRF produced by the LRDR system. LRDR is a unique and vital component of the BMDS and will be available continuously both as an early-warning sensor and as an enabler for more effective employment of ground-based interceptors. The LRDR design features high system availability and maintain-while-operate architecture; this ensures that LRDR will be in a continual posture to fight in response to real-word, no-notice events. LRDR also supports additional mission areas including Space Situational Awareness and Intelligence Data Collection.

As proposed, in routine or normal defensive posture, LRDR would operate at reduced HIRF levels within the proposed restricted areas that provide for the ''1,500AGL/3NM'' restricted area exclusion. This would be accomplished by enforcing main beam elevation limits in the direction of Clear Airport to provide a minimum of 1,500′ AGL under the portions of restricted areas within 3 NM of the airport. Prescheduled maintenance and calibration activities would also occur during Routine or Normal posture and would require activation of the additional proposed restricted areas during a few periods per week for a couple of hours at a time. As proposed, these activities would be scheduled when expected air traffic around Clear Airport is minimal, with scheduled times openly distributed by NOTAM and other outreach mechanisms.

In heightened defensive posture, MDA may require use of all proposed R–2206 restricted areas to conduct missile defense or other activities in response to real-world events. During these periods of heightened defensive posture, LRDR would be activated with access to its full field of coverage, which would necessitate activation of all proposed R–2206 restricted areas; this provides LRDR access to the airspace for defensive actions within 3NM of Clear Airport at and above 400 feet AGL. Besides conducting actual BMDS engagements, LRDR activities that may require temporary activation of all proposed R–2206 restricted areas include BMDS tests, unique intelligence collection activities such as new foreign space launches, or critical space activities such as collision avoidance involving manned space-flight, satellite break-ups, and satellite deorbits.

Required Coordination Between the FAA and MDA

Procedures and preplanned actions would be established between the FAA and the MDA to address emergency or extraordinary events in a Letter of Procedure (LOP). The LOP would address pre-determined NOTAMs to handle the activation and scheduling of the three proposed non-continuous restricted areas (R–2206 D, E, F). The LOP would include procedures for handling national defense no-notice activation from NORAD–USNORTHCOM Command Center, as well as notification times for all other requests, to ensure a NOTAM and notifications to the surrounding areas and aviators can take place with reasonable advance notice prior to activation. Pre-determined actions will provide the framework for rapid adaptation of the SUA to handle extraordinary events.

The following two scenarios are realistic examples of short-notice events and the coordinated response and action that would be taken by FAA and MDA:

(1) Low-altitude restricted areas R–2206D, E, and F (0200–0400 Tuesday, Thursday, and Saturday) have been activated to support a scheduled calibration period; this restricts some of the airspace access into Clear Airport. An aircraft has an in-flight emergency (or is responding to a medivac), needs to land at Clear Airport and the pilot radios the request to air traffic control (ATC). In-flight emergencies have a pre-determined response that allows ATC to contact LRDR and request that the low altitude restricted areas be deactivated so that the aircraft can approach Clear Airport without exposure to excessive HIRF. LRDR defensive posture and current activities allow compliance and the restricted areas are deactivated. FAA informs MDA when the aircraft no longer requires R–2206D, E, and F; and MDA reactivates the restricted areas as the SUA schedule allows.

(2) LRDR is in Routine or Normal posture and low-altitude restricted areas R–2206D, E, and F are disabled or inactive. U.S. Space Command requests that MDA track a satellite due to an on-orbit emergency. The satellite will pass through the LRDR field of view directly behind the Clear Airport, requiring activation of low-altitude restricted areas R–2206D, E, and F to enable low-elevation radar data collection. Based on procedures established via the LOP, MDA notifies ATC of the on-orbit satellite emergency and need to activate the lower restricted areas. FAA activates the restricted areas at the required time and MDA executes the 10 minute

satellite track and data collection to completion. MDA then informs ATC that the operation is complete and FAA returns R–2206D, E, and F to an inactive state. As part of the planned response, the FAA would broadcast the status of R–2206D, E, and F to aircraft in the vicinity of PACL airport.

Aviation Considerations

The FAA conducted an aeronautical study to assess the impacts of the USAF proposal for new restricted areas over Clear AFS to support the MDA's LRDR mission. The aeronautical study identified the following aviation impacts and associated changes in procedures, which would be necessary to allow for safe transit of aircraft around R–2206, as proposed to be amended.

Impact on IFR (Instrument Flight Rules) and VFR (Visual Flight Rules) Terminal Ops

The FAA has reviewed the USAF proposal for impact on arrival and departure flows, Standard Terminal Arrival Route (STAR), Standard Instrument Departure (SID), and departure procedures. The following procedures will need to be revised to avoid the proposed R–2206.

MCKINLEY SID—Fairbanks International Airport
PUYVO SID—Fairbanks International Airport
TAGER STAR—Ted Stevens Anchorage International Airport
KROTO STAR—Ted Stevens Anchorage International Airport

Standard Instrument Approach Procedures and Obstacle Departure Procedures: Area Navigation (RNAV) and Global Positioning System (GPS). The following procedures will need to be revised to avoid the proposed R2206.

RNAV (GPS) RWY 15—(Approach) Healy River Airport
RNAV (GPS)–A—(Approach) Healy River Airport
HEALY ONE (RNAV)—(Departure) Healy River Airport

This proposal would leave Healy River Airport with no IFR arrival or departure procedures.

Impact on IFR En-Route Ops

The proposed R–2206 would impact IFR routes between Anchorage and Fairbanks, Alaska, including Jet Route J–125, Victor Airway V–436, and RNAV Route Q–41. The FAA has identified the need for mitigations altering the current airway/route structure to allow for establishing revised airways around the proposed expansion of R–2206. These changes are expected to result in minimal impact to the flying community. The current V–436 airway will need to ''bend'' around the proposed restricted area due to precipitous terrain and navigational aid confines. This revised airway would allow ground based navigation from Talkeetna, AK, to Fairbanks, AK. J–125 currently navigates from Kodiak, AK, and terminates at Nenana, AK. The segment of the route from Anchorage, AK to Nenana, AK, is primarily used for traffic navigating from Anchorage, AK, to Deadhorse, AK. Because J–115, Q–43, and Q–41provide the same capability as J–125, with minimally increased flight distances, the FAA proposes to delete the segment between Anchorage, AK, and Nenana, AK, of J–125. Q–41 currently navigates from the CAWIN fix, south of Nenana, AK, to Deadhorse, AK. Under this proposal, that route will remain as published, but would require radar due to the proximity to the proposed restricted areas. The FAA proposes to correct any known issues to minimize any impact on the flying public.

The Proposal

The FAA is proposing an amendment to title 14 Code of Federal Regulations (14 CFR) part 73 to rename the established restricted area R–2206 to R–2206A and establish six new restricted areas, to be designated R–2206B, R–2206C, R–2206D, R–2206E, R–2206F, and R–2206G, over Clear AFS at Clear, AK. The proposed new restricted areas would intersect the established R–2206 area above ground level, but would not include the volume defined by current R–2206. The FAA is proposing this action at the request of the USAF. Full legal descriptions are in the ''The Proposed Amendment'' section of this NPRM.

The proposed restricted areas are described below.[7]

R–2206A: R–2206 would be amended from R–2206 to R–2206A for ease of charting considering there will be six new restricted areas built upon the original R–2206. R–2206A's eastern boundary is ½ mile west of PACL airport. The altitudes would be from surface to 8,800 feet MSL and would be active on a continuous basis.

R–2206B: R–2206B would be established west of Clear AFS fanning clockwise from the southwest to the northwest excluding the portion within R–2206A. R–2206B's eastern boundary is 3 miles west of PACL airport. The altitudes would be from 1,100 feet MSL to but not including 1,600 feet MSL and would be active on a continuous basis.

R–2206C: R–2206C would be established west of Clear AFS fanning clockwise from the southwest to the northwest excluding the portion within R–2206A. R–2206C's eastern boundary is 3 miles west of PACL airport. The altitudes would be from 1,100 feet MSL to 32,000 feet MSL and would be active on a continuous basis.

R–2206D: R–2206D would be established northeast of Clear AFS fanning clockwise from the northwest to the northeast excluding the portion within R–2206A. R–2206D's eastern boundary is ½ mile west of PACL airport. The altitudes would be from 1,100 feet MSL to but not including 1,600 feet MSL. Activation times would be from 0200–0400 local time, Tuesday, Thursday, and Saturday; other times by NOTAM.

R–2206E: R–2206E would be established northeast of Clear AFS fanning clockwise from the northwest to the northeast excluding the portion within R–2206A. R–2206E's eastern boundary is ½ mile west of PACL airport. The altitudes would be from 1,600 feet MSL to but not including 2,100 feet MSL. Activation times would be from 0200–0400 local time, Tuesday, Thursday and Saturday; other times by NOTAM.

R–2206F: R–2206F would be established northeast of Clear AFS allowing for VFR aircraft to transition along Highway 3, Parks Highway. R–2206F's southern boundary is 3 miles north of PACL airport. The altitudes would be from 2,100 feet MSL to 3,200 feet MSL. Activation times would be from 0200–0400 local time, Tuesday, Thursday and Saturday; other times by NOTAM.

R–2206G: R–2206G would be established northeast of Clear AFS fanning clockwise from the northwest to the northeast excluding the portion within R–2206A and R–2206F. R–2206G's eastern boundary is ½ mile west of PACL airport. The altitudes would be from 2,100 feet MSL to 32,000 feet MSL and would be active on a continuous basis.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not ''significant'' as defined in DOT's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as

[7] The FAA has uploaded a graphical depiction of the proposed restricted areas to the docket for this rulemaking.

the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

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

§ 73.22 Alaska [Amended]

■ 2. Section 73.22 is amended as follows:

* * * * *

R–2206A Clear, AK [Amended]

Boundaries. Beginning at lat. 64°19′44″ N, long. 149°15′42″ W; to lat. 64°19′44″ N, long. 149°10′18″ W; thence south, 100 feet west of and parallel to the Alaska Railroad to lat. 64°16′17″ N, long. 149°10′14″ W; to lat. 64°16′17″ N, long. 149°15′42″ W; to the point of beginning.

Designated Altitudes. Surface to 8,800 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Anchorage ARTCC.

Using agency. Commander 13th Missile Warning Squadron, Clear, AK.

R–2206B Clear, AK [New]

Boundaries. Beginning at lat. 64°20′13″ N, long. 149°13′12″ W; to lat. 64°17′20″ N, long. 149°11′25″ W; to lat. 64°14′31″ N, long. 149°13′43″ W; thence clockwise along a 3.0 NM arc radius centered at lat. 64°17′20″ N, long. 149°11′25″ W; thence to the point of beginning; excluding that portion wholly contained in R–2206A.

Altitudes. 1,000 feet MSL to but not including 1,600′ MSL.

Time of designation. Continuous.

Controlling agency. FAA, Anchorage ARTCC.

Using agency. Commander 13th Missile Warning Squadron, Clear, AK.

R–2206C Clear, AK [New]

Boundaries. Beginning at lat. 64°19′27″ N, long. 149°20′22″ W; thence clockwise along a 4.0 NM arc radius centered at lat. 64°20′22″ N, long. 149°11′25″ W; to lat. 64°23′56″ N, long. 149°15′30″ W; to lat. 64°17′20″ N, long. 149°11′25″ W; to lat. 64°14′10″ N, long. 149°14′01″ W; thence along a 3.0 NM arc radius centered at lat. 64°16′55″ N, long. 149°16′41″ W; to the point of beginning; excluding that portion wholly contained in R–2206A.

Altitudes. 1,600 feet MSL to 32,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Anchorage ARTCC.

Using agency. Commander 13th Missile Warning Squadron, Clear, AK.

R–2206D Clear, AK [New]

Boundaries. Beginning at lat. 64°20′13″ N, long. 149°13′12″ W; thence clockwise along a 3.0 NM arc radius centered at lat. 64°17′20″ N, long. 149°11′25″ W; to lat. 64°18′47″ N, long. 149°05′23″ W; to lat. 64°17′20″ N, long. 149°11′25″ W; thence to point of beginning; excluding that portion wholly contained in R–2206A.

Altitudes. 1,000 feet MSL to but not including 1,600 feet MSL.

Time of designation. 0200–0400 local time, Tuesday, Thursday and Saturday; other times by NOTAM.

Controlling agency. FAA, Anchorage ARTCC.

Using agency. Commander 13th Missile Warning Squadron, Clear, AK.

R–2206E Clear, AK [New]

Boundaries. Beginning at lat. 64°23′56″ N, long. 149°15′30″ W; thence clockwise along a 4.0 NM arc radius centered at lat. 64°20′22″ N, long. 149°11′25″ W; to lat. 64°19′29″ N, long. 149°02′27″ W; to lat. 64°17′20″ N, long. 149°11′25″ W; thence to point of beginning; excluding that portion wholly contained in R–2206A.

Altitudes. 1,600 feet MSL to but not including 2,100 feet MSL.

Time of designation. 0200–0400 local time, Tuesday, Thursday and Saturday; other times by NOTAM.

Controlling agency. FAA, Anchorage ARTCC.

Using agency. Commander 13th Missile Warning Squadron, Clear, AK.

R–2206F Clear, AK [New]

Boundaries. Beginning at lat. 64°22′07″ N, long. 149°03′09″ W; thence clockwise along the 4.0 NM arc radius centered at lat. 64°20′22″ N, long. 149°11′25″ W; to lat. 64°19′29″ N, long. 149°02′27″ W; to lat. 64°19′19″ N, long. 149°03′07″ W; to lat. 64°19′36″ N, long. 149°03′18″ W; thence north, along a path ½ NM west of Highway 3, Parks Highway.; to lat. 64°21′42″ N, long. 149°03′37″ W; to the point of beginning.

Altitudes. 2,100 feet MSL to 3,200 feet MSL.

Time of designation. 0200–0400 local time, Tuesday, Thursday and Saturday; other times by NOTAM.

Controlling agency. FAA, Anchorage ARTCC.

Using agency. Commander 13th Missile Warning Squadron, Clear, AK.

R–2206G Clear, AK [New]

Boundaries. Beginning at lat. 64°23′56″ N, long. 149°15′30″ W; thence clockwise along a 4.0 NM arc radius centered at lat. 64°20′22″ N, long. 149°11′25″ W; to lat. 64°19′29″ N, long. 149°02′27″ W; to lat. 64°17′20″ N, long. 149°11′25″ W; thence to point of beginning; excluding; (1) that portion wholly contained in R–2206A; (2) that portion wholly contained in R–2206F.

Altitudes. 2,100 feet MSL to 32,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Anchorage ARTCC.

Using agency. Commander 13th Missile Warning Squadron, Clear, AK.

* * * * *

Issued in Washington, DC, on February 19, 2021.

Mark E. Gauch,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–03849 Filed 2–22–21; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0014]

RIN 1625–AA00

Safety Zones; Coast Guard Sector Ohio Valley Annual and Recurring Safety Zones

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend and update its list of recurring safety zone regulations that take place in the Coast Guard Sector Ohio Valley area of responsibility (AOR). Through this rule the current list of recurring safety zones is proposed to be updated with revisions, additional events, and removal of events that no longer take place. This proposed rule would reduce administrative costs involved in producing separate proposed rules for each individual recurring safety zone and serve to provide notice of the known recurring safety zones throughout the year. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before March 26, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0014 using the Federal

eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Petty Officer Christopher Roble, Sector Ohio Valley, U.S. Coast Guard; telephone (502)–779–5336, email *SECOHV-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Ohio Valley
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code
AOR Area of Responsibility

II. Background, Purpose, and Legal Basis

The Captain of the Port Sector Ohio Valley (COTP) proposes to amend section 165.801 of Title 33 of the Code of Federal Regulations (CFR) to update our regulations for annual fireworks displays and other events in the Eighth Coast Guard District requiring safety zones with respect to those in Sector Ohio Valley.

The current list of annual and recurring safety zones occurring in Sector Ohio Valley's area of responsibility (AOR) is published under 33 CFR 165.801 in Table No. 1 for annual safety zones in the AOR. The most recent list was created June 2, 2020 through the rulemaking 85 FR 33561.

The Coast Guard proposes to amend and update the safety zone regulations under 33 CFR part 165 to include the most up to date list of recurring safety zones for events held on or around navigable waters within Sector Ohio Valley's AOR. These events include air shows, fireworks displays, and other marine related events requiring a limited access area restricting vessel traffic for safety purposes. The current list in 33 CFR 165.801 needs to be amended to provide new information on existing safety zones, and to include new safety zones expected to recur annually or biannually, and to remove safety zones that are no longer required. Issuing individual regulations for each new safety zone, amendment, or removal of an existing safety zone would create unnecessary administrative costs and burdens. This single proposed rulemaking would considerably reduce administrative overhead and provide the public with notice through publication in the **Federal Register** of the upcoming recurring safety zone regulations.

The Coast Guard encourages the public to participate in this proposed rulemaking through the comment process so that any necessary changes can be identified and implemented in a timely and efficient manner. The Coast Guard will address all public comments accordingly, whether through response, additional revision to the regulation, or otherwise.

III. Discussion of Proposed Rule

Part 165 of 33 CFR contains regulations establishing limited access areas to restrict vessel traffic for the safety of persons and property. Section 165.801 establishes recurring safety zones to restrict vessel transit into and through specified areas to protect spectators, mariners, and other persons and property from potential hazards presented during certain events taking place in the AOR. This section requires amendment from time to time to properly reflect the recurring safety zone regulations in the AOR. This proposed rule would amend and update § 165.801 by revising the current Table 1.

This proposed rule would add the following 2 safety zones to the existing Table 1 § 165.801 as follows:

Date	Event/sponsor	Ohio Valley location	Regulated area
1 night in July	Steubenville fireworks	Steubenville, OH	Ohio River Mile 67.5–68.5.
A weekend in June	Alzheimer's Water Lantern Festival/IC Care	Wheeling, WV	Ohio River Mile 90.3–91.8.

The effect of this proposed rule would be to restrict general navigation in the safety zones during the events. Vessels intending to transit the designated waterway through the safety zones would only be allowed to transit the area when the COTP, or a designated representative, has deemed it safe to do so or at the completion of the event. The proposed annually recurring safety zones are necessary to provide for the safety of life on navigable waters during the events.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

The Coast Guard expects the economic impact of this proposed rule to be minimal, therefore a full regulatory evaluation is unnecessary. This proposed rule would establish safety zones limiting access to certain areas under 33 CFR part 165 within Sector Ohio Valley's AOR. The effect of this proposed rulemaking would not be significant because these safety zones would be limited in scope and duration. Additionally, the public would be given advance notification through the **Federal Register**, and/or Notices of Enforcement and, thus, will be able to plan operations around the safety zones. Broadcast Notices to Mariners, Local Notices to Mariners, and Safety Marine Information Broadcasts would inform the community of these safety zones. Vessel traffic would be allowed to request permission from the COTP or a designated representative to enter the restricted areas. Broadcast Notices to Mariners, Local Notices to Mariners, and Safety Marine Information Broadcasts would inform the community of these safety zones. Vessel traffic would be allowed to request permission from the COTP or a designated representative to enter the restricted areas.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5;

Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 165.801, revise Table 1 to read as follows:

§ 165.801 Annual fireworks displays and other events in the Eighth Coast Guard District recurring safety zones.

* * * * *

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
1. 3 days—Third or Fourth weekend in April.	Henderson Breakfast Lions Club Tri-Fest.	Henderson, KY	Ohio River, Miles 802.5–805.5 (Kentucky).
2. Multiple days—April through November.	Pittsburgh Pirates Season Fireworks.	Pittsburgh, PA	Allegheny River, Miles 0.2–0.9 (Pennsylvania).
3. Multiple days—April through November.	Cincinnati Reds Season Fireworks.	Cincinnati, OH	Ohio River, Miles 470.1–470.4; extending 500 ft. from the State of Ohio shoreline (Ohio).
4. Multiple days—April through November.	Pittsburgh Riverhounds Season Fireworks.	Pittsburgh, PA	Monongahela River, Miles 0.22–0.77 (Pennsylvania).
5. 1 day—First week in May	Belterra Park Gaming Fireworks.	Cincinnati, OH	Ohio River, Miles 460.0–462.0 (Ohio).
6. 3 days in May	US Rowing Southeast Youth Championship Regatta.	Oak Ridge, TN	Clinch River, Miles 48.5–52 (Tennessee).
7. 1 day—One Friday in May prior to Memorial Day.	Live on the Levee Memorial Day Fireworks/City of Charleston.	Charleston, WV	Kanawha River, Mile 58.1–59.1 (West Virginia).
8. 1 day—Saturday before Memorial Day.	Venture Outdoors Festival	Pittsburgh, PA	Allegheny River, Miles 0.0–0.25; Monongahela River, Miles 0.0–0.25 (Pennsylvania).
9. 3 days in June	CMA Festival	Nashville, TN	Cumberland River, Miles 190.7–191.1 extending 100 feet from the left descending bank (Tennessee).
10. 1 day in June	Cumberland River Compact/Nashville Splash Bash.	Nashville, TN	Cumberland River, Miles 189.7–192.1 (Tennessee).
11. 2 days—A weekend in June.	Rice's Landing Riverfest	Rice's Landing, PA	Monongahela River, Miles 68.0–68.8 (Pennsylvania).
12. 2 days—Second Friday and Saturday in June.	City of Newport, KY/ Italianfest.	Newport, KY	Ohio River, Miles 468.6–471.0 (Kentucky and Ohio).
13. 1 day in June	Friends of the Festival, Inc./ Riverbend Festival Fireworks.	Chattanooga, TN	Tennessee River, Miles 462.7–465.2 (Tennessee).
14. 1 day—Second or Third week of June.	TriState Pottery Festival Fireworks.	East Liverpool, OH	Ohio River, Miles 42.5–45.0 (Ohio).
15. 3 days—One of the last three weekends in June.	Hadi Shrine/Evansville Freedom Festival Air Show.	Evansville, IN	Ohio River, Miles 790.0–796.0 (Indiana).
16. 1 day—One weekend in June.	West Virginia Symphony Orchestra/Symphony Sunday.	Charleston, WV	Kanawha River, Miles 59.5–60.5 (West Virginia).
17. One weekend in June	Alzheimer's Water Lantern Festival/IC Care.	Wheeling, WV	Ohio River Mile 90.3–91.8.
18. 1 day—Last weekend in June or first weekend in July.	Riverview Park Independence Festival.	Louisville, KY	Ohio River, Miles 617.5–620.5 (Kentucky).
19. 1 day—Last weekend in June or First weekend in July.	City of Point Pleasant/Point Pleasant Sternwheel Fireworks.	Point Pleasant, WV	Ohio River, Miles 265.2–266.2, Kanawha River Miles 0.0–0.5 (West Virginia).
20. 1 day—Last weekend in June or first weekend in July.	City of Aurora/Aurora Firecracker Festival.	Aurora, IN	Ohio River, Mile 496.7; 1400 ft. radius from the Consolidated Grain Dock located along the State of Indiana shoreline at (Indiana and Kentucky).
21. 1 day—Last week of June or first week of July.	PUSH Beaver County/Beaver County Boom.	Beaver, PA	Ohio River, Miles 25.2–25.6 (Pennsylvania).
22. 1 day—Last weekend in June or first week in July.	Evansville Freedom Celebration/4th of July Fireworks.	Evansville, IN	Ohio River, Miles 790.0–796.0 (Indiana).
23. 1 day—Last week in June or first week of July.	Newburgh Fireworks Display.	Newburgh, IN	Ohio River, Miles 777.3–778.3 (Indiana).
24. 1 day—Last week in June or First week in July.	Rising Sun Fireworks	Rising Sun, IN	Ohio River, Miles 506.0–507.0 (Indiana).
25. 1 day—Weekend before the 4th of July.	Kentucky Dam Marine/Kentucky Dam Marina Fireworks.	Gilbertsville, KY	350 foot radius, from the fireworks launch site, on the entrance jetties at Kentucky Dam Marina, on the Tennessee River at Mile Marker 23 (Kentucky).
26. 1 day in July	Town of Cumberland City/ Lighting up the Cumberlands.	Cumberland City, TN	Cumberland River, Miles 103.0–105.5 (Tennessee).
27. 1 day in July	Chattanooga Presents/Pops on the River.	Chattanooga, TN	Tennessee River, Miles 462.7–465.2 (Tennessee).

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
28. 1 day in July	Randy Boyd/Independence Celebration Fireworks Display.	Knoxville, TN	Tennessee River, Miles 625.0–628.0 (Tennessee).
29. 1 day—July 3rd	Moors Resort and Marina/Kentucky Lake Big Bang.	Gilbertsville, KY	600 foot radius, from the fireworks launch site, on the entrance jetty to Moors Resort and Marina, on the Tennessee River at mile marker 30.5 (Kentucky).
30. 1 day—3rd or 4th of July.	City of Paducah, KY	Paducah, KY	Ohio River, Miles 934.0–936.0; Tennessee River, Miles 0.0–1.0 (Kentucky).
31. 1 day—3rd or 4th of July.	City of Hickman, KY/Town Of Hickman Fireworks.	Hickman, KY	700 foot radius from GPS coordinate 36°34.5035 N, 089°11.919 W, in Hickman Harbor located at mile marker 921.5 on the Lower Mississippi River (Kentucky).
32. 1 day—July 4th	City of Knoxville/Knoxville Festival on the 4th.	Knoxville, TN	Tennessee River, Miles 646.3–648.7 (Tennessee).
33. 1 day in July	Nashville NCVC/Independence Celebration.	Nashville, TN	Cumberland River, Miles 189.7–192.3 (Tennessee).
34. 1 day in July	Shoals Radio Group/Spirit of Freedom Fireworks.	Florence, AL	Tennessee River, Miles 254.5–257.4 (Alabama).
35. 1 day—4th of July (Rain date—July 5th).	Monongahela Area Chamber of Commerce/Monongahela 4th of July Celebration.	Monongahela, PA	Monongahela River, Milse 032.0–033.0 (Pennsylvania).
36. 1 day—July 4th	Cities of Cincinnati, OH and Newport, KY/July 4th Fireworks.	Newport, KY	Ohio River, Miles 469.6–470.2 (Kentucky and Ohio).
37. 1 day—July 4th	Wellsburg 4th of July Committee/Wellsburg 4th of July Freedom Celebration.	Wellsburg, WV	Ohio River, Miles 73.5–74.5 (West Virginia).
38. 1 day—Week of July 4th	Wheeling Symphony fireworks.	Wheeling, WV	Ohio River, Miles 90–92 (West Virginia).
39. 1 day—First week or weekend in July.	Summer Motions Inc./Summer Motion.	Ashland, KY	Ohio River, Miles 322.1–323.1 (Kentucky).
40. 1 day—Week of July 4th	Chester Fireworks	Chester, WV	Ohio River mile 42.0–44.0 (West Virginia).
41. 1 day—First week of July.	Toronto 4th of July Fireworks.	Toronto, OH	Ohio River, Mile 58.2–58.8 (Ohio).
42. 1 day—First week of July.	Cincinnati Symphony Orchestra.	Cincinnati, OH	Ohio River, Miles 460.0–462.0 (Ohio).
43. 1 day—First weekend or week in July.	Queen's Landing Fireworks	Greenup, KY	Ohio River, Miles 339.3–340.3 (West Virginia).
44. 1 day—First week or weekend in July.	Gallia County Chamber of Commerce/Gallipolis River Recreation Festival.	Gallipolis, OH	Ohio River, Miles 269.5–270.5 (Ohio).
45. 1 day—First week or weekend in July.	Kindred Communications/Dawg Dazzle.	Huntington, WV	Ohio River, Miles 307.8–308.8 (West Virginia).
46. 1 day—First week or weekend in July.	Greenup City	Greenup, KY	Ohio River, Miles 335.2–336.2 (Kentucky).
47. 1 day—First week or weekend in July.	Middleport Community Association.	Middleport, OH	Ohio River, Miles 251.5–252.5 (Ohio).
48. 1 day—First week or weekend in July.	People for the Point Party in the Park.	South Point, OH	Ohio River, Miles 317–318 (Ohio).
49. 1 day—One of the first two weekends in July.	City of Bellevue, KY/Bellevue Beach Park Concert Fireworks.	Bellevue, KY	Ohio River, Miles 468.2–469.2 (Kentucky & Ohio).
50. 1 day—First Week of July.	Pittsburgh 4th of July Celebration.	Pittsburgh, PA	Ohio River, Miles 0.0–0.5, Allegheny River, Miles 0.0–0.5, and Monongahela River, Miles 0.0–0.5 (Pennsylvania).
51. 1 day—First week or weekend in July.	City of Charleston/City of Charleston Independence Day Celebration.	Charleston, WV	Kanawha River, Miles 58.1–59.1 (West Virginia).
52. 1 day—First week or weekend in July.	Portsmouth River Days	Portsmouth, OH	Ohio River, Miles 355.5–357.0 (Ohio).
53. 1 day—During the first week of July.	Louisville Bats Baseball Club/Louisville Bats Firework Show.	Louisville, KY	Ohio River, Miles 602.0–605.0 (Kentucky).
54. 1 day—During the first week of July.	Waterfront Independence Festival/Louisville Orchestra Waterfront 4th.	Louisville, KY	Ohio River, Miles 602.0–605.0 (Kentucky).
55. 1 day—During the first week of July.	Celebration of the American Spirit Fireworks/All American 4th of July.	Owensboro, KY	Ohio River, Miles 754.0–760.0 (Kentucky).

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
56. 1 day—During the first week of July.	Riverfront Independence Festival Fireworks.	New Albany, IN	Ohio River, Miles 606.5–609.6 (Indiana).
57. 1 day in July	Grand Harbor Marina/Grand Harbor Marina July 4th Celebration.	Counce, TN	Tennessee-Tombigbee Waterway, Miles 448.5–451.0 (Tennessee).
58. 1 night in July	Steubenville fireworks	Steubenville, OH	Ohio River Mile 67.5–68.5.
59. 1 day—During the first two weeks of July.	City of Maysville Fireworks	Maysville, KY	Ohio River, Miles 408–409 (Kentucky).
60. 1 day—One of the first two weekends in July.	Madison Regatta, Inc./Madison Regatta.	Madison, IN	Ohio River, Miles 554.0–561.0 (Indiana).
61. 1 day—Third Saturday in July.	Pittsburgh Irish Rowing Club/St. Brendan's Cup Currach Regatta.	Pittsburgh, PA	Ohio River, Miles 7.0–9.0 (Pennsylvania).
62. 1 day—Third or fourth week in July.	Upper Ohio Valley Italian Heritage Festival/Upper Ohio Valley Italian Heritage Festival Fireworks.	Wheeling, WV	Ohio River, Miles 90.0–90.5 (West Virginia).
63. 1 day—Saturday Third or Fourth full week of July (Rain date—following Sunday).	Oakmont Yacht Club/ Oakmont Yacht Club Fireworks.	Oakmont, PA	Allegheny River, Miles 12.0–12.5 (Pennsylvania).
64. 2 days—One weekend in July.	Marietta Riverfront Roar Fireworks.	Marietta, OH	Ohio River, Miles 171.6–172.6 (Ohio).
65. 1 Day in July	Three Rivers Regatta	Knoxville, TN	Tennessee River, Miles 642–653 (Tennessee).
66. 1 day—Last weekend in July or first weekend in August.	Fort Armstrong Folk Music Festival.	Kittanning, PA	Allegheny River, Mile 45.1–45.5 (Pennsylvania).
67. 1 day—First week of August.	Kittaning Folk Festival	Kittanning, PA	Allegheny River, Miles 44.0–46.0 (Pennsylvania).
68. 1 day—First week in August.	Gliers Goetta Fest LLC	Newport, KY	Ohio River, Miles 469.0–471.0.
69. 1 day—First or second week of August.	Bellaire All-American Days	Bellaire, OH	Ohio River, Miles 93.5–94.5 (Ohio).
70. 1 day—Second full week of August.	PA FOB Fireworks Display	Pittsburgh, PA	Allegheny River, Miles 0.8–1.0 (Pennsylvania).
71. 1 day—Second Saturday in August.	Guyasuta Days Festival/ Borough of Sharpsburg.	Pittsburgh, PA	Allegheny River, Miles 005.5–006.0 (Pennsylvania).
72. 1 day—In the Month of August.	Pittsburgh Foundation/Bob O'Connor Cookie Cruise.	Pittsburgh, PA	Ohio River, Mile 0.0–0.5 (Pennsylvania).
73. 1 day—Third week of August.	Beaver River Regatta Fireworks.	Beaver, PA	Ohio River, Miles 25.2–25.8 (Pennsylvania).
74. 1 day—One weekend in August.	Parkersburg Homecoming Festival-Fireworks.	Parkersburg, WV	Ohio River, Miles 183.5–185.5 (West Virginia).
75. 1 day—One weekend in August.	Ravenswood River Festival	Ravenswood, WV	Ohio River, Miles 220–221 (West Virginia).
76. 1 day—The second or third weekend of August.	Green Turtle Bay Resort/ Grand Rivers Marina Day.	Grand Rivers, KY	420 foot radius, from the fireworks launch site, at the entrance to Green Turtle Bay Resort, on the Cumberland River at mile marker 31.5 (Kentucky).
77. 1 day—Last 2 weekends in August/first week of September.	Wheeling Dragon Boat Race.	Wheeling, WV	Ohio River, Miles 90.4–91.5 (West Virginia).
78. Sunday, Monday, or Thursday from August through February.	Pittsburgh Steelers Fireworks.	Pittsburgh, PA	Allegheny River, Miles 0.0–0.25, Ohio River, Miles 0.0–0.1, Monongahela River, Miles 0.0–0.1 (Pennsylvania).
79. 1 day—Labor day	Portsmouth Labor Day Fireworks/Hamburg Fireworks.	Portsmouth, OH	Ohio River, Mile 355.8–356.8 (Ohio).
80. 1 day—One weekend before Labor Day.	Riverfest/Riverfest Inc	Nitro, WV	Kanawha River, Miles 43.1–44.2 (West Virginia).
81. 2 days—Sunday before Labor Day and Labor Day.	Cincinnati Bell, WEBN, and Proctor and Gamble/ Riverfest.	Cincinnati, OH	Ohio River, Miles 469.2–470.5 (Kentucky and Ohio) and Licking River, Miles 0.0–3.0 (Kentucky).
82. 1 day—Labor Day or first week of September.	Labor Day Fireworks Show	Marmet, WV	Kanawha River, Miles 67.5–68 (West Virginia).
83. 1 day in September	Nashville Symphony/Concert Fireworks.	Nashville, TN	Cumberland River, Miles 190.1–192.3 (Tennessee).
84. 1 day—Second weekend in September.	City of Clarksville/Clarksville Riverfest.	Clarksville, TN	Cumberland River, Miles 124.5–127.0 (Tennessee).

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
85. 3 days—Second or third week in September.	Wheeling Heritage Port Sternwheel Festival Foundation/Wheeling Heritage Port Sternwheel Festival.	Wheeling, WV	Ohio River, Miles 90.2–90.7 (West Virginia).
86. 1 day—One weekend in September.	Boomtown Days—Fireworks	Nitro, WV	Kanawha River, Miles 43.1–44.2 (West Virginia).
87. 1 day—One weekend in September.	Ohio River Sternwheel Festival Committee fireworks.	Marietta, OH	Ohio River, Miles 171.5–172.5 (Ohio).
88. 1 day—One weekend in September.	Tribute to the River	Point Pleasant, WV	Ohio River, Miles 264.6–265.6 (West Virginia).
89. 1 day—One weekend in September.	Aurora Fireworks	Aurora, IN	Ohio River, Mile 496.3–497.3 (Ohio).
90. 1 day—Last two weekends in September.	Cabana on the River	Cincinnati, OH	Ohio River, Mile 483.2–484.2 (Ohio).
91. Multiple days—September through January.	University of Pittsburgh Athletic Department/University of Pittsburgh Fireworks.	Pittsburgh, PA	Ohio River, Miles 0.0–0.1, Monongahela River, Miles 0.0–0.1, Allegheny River, Miles 0.0–0.25 (Pennsylvania).
92. 1 day—First three weeks of October.	Leukemia & Lymphoma Society/Light the Night.	Pittsburgh, PA	Ohio River, Mile 0.0–0.5, Allegheny River, Mile 0.0–0.5, and Monongahela River, Mile 0.0–0.5 (Pennsylvania).
93. 1 day in October	Leukemia and Lymphoma Society/Light the Night Walk Fireworks.	Nashville, TN	Cumberland River, Miles 189.7–192.1 (Tennessee).
94. 1 day—First two weeks in October.	Yeatman's Fireworks	Cincinnati, OH	Ohio River, Miles 469.0–470.5 (Ohio).
95. 1 day in October	Outdoor Chattanooga/Swim the Suck.	Chattanooga, TN	Tennessee River, Miles 452.0–454.5 (Tennessee).
96. 1 day in October	Chattajack	Chattanooga, TN	Tennessee River, Miles 462.7–465.5 (Tennessee).
97. 1 day—One weekend in October.	West Virginia Motor Car Festival.	Charleston, WV	Kanawha River, Miles 58–59 (West Virginia).
98. 2 days—One of the last three weekends in October.	Monster Pumpkin Festival	Pittsburgh, PA	Allegheny River, Mile 0.0–0.25 (Pennsylvania).
99. 1 day—Friday before Thanksgiving.	Pittsburgh Downtown Partnership/Light Up Night.	Pittsburgh, PA	Allegheny River, Miles 0.0–1.0 (Pennsylvania).
100. 1 day—Friday before Thanksgiving.	Kittanning Light Up Night Firework Display.	Kittanning, PA	Allegheny River, Miles 44.5–45.5 (Pennsylvania).
101. 1 day—Friday before Thanksgiving.	Santa Spectacular/Light up Night.	Pittsburgh, PA	Ohio River, Mile 0.0–0.5, Allegheny River, Mile 0.0–0.5, and Monongahela River, Mile 0.0–0.5 (Pennsylvania).
102. 1 day—Friday before Thanksgiving.	Monongahela Holiday Show	Monongahela, PA	Ohio River, Miles 31.5–32.5 (Pennsylvania).
103. 1 day in November	Friends of the Festival/Cheer at the Pier.	Chattanooga, TN	Tennessee River, Miles 462.7–465.2 (Tennessee).
104. 1 day—Third week of November.	Gallipolis in Lights	Gallipolis, OH	Ohio River, Miles 269.2–270 (Ohio).
105. 1 day—December 31	Pittsburgh Cultural Trust/Highmark First Night Pittsburgh.	Pittsburgh, PA	Allegheny River, Miles 0.5–1.0 (Pennsylvania).
106. 7 days—Scheduled home games.	University of Tennessee/UT Football Fireworks.	Knoxville, TN	Tennessee River, Miles 645.6–648.3 (Tennessee).

* * * * *

Dated: Febuary 2, 2021.

A.M. Beach,

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

[FR Doc. 2021–02671 Filed 2–23–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2020–0650: FRL–10019–28–Region 10]

Air Plan Approval; Washington; Spokane Regional Clean Air Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Washington State Implementation Plan (SIP) that was submitted by the Department of Ecology (Ecology) in coordination with the Spokane Regional Clean Air Agency (SRCAA). This proposed revision updates the SIP with local SRCAA regulations that apply in lieu of, or in supplement to, Ecology's statewide general air quality regulations for SRCAA's jurisdiction. We are also proposing to approve SRCAA's adoption by reference of certain Ecology general air quality regulations, which do not have local agency replacement

corollaries, to apply in SRCAA's jurisdiction.

DATES: Written comments must be received on or before March 26, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2020–0650 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, WA 98101, at (206) 553–0256, or *hunt.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA. This supplementary information section is arranged as follows:

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I. Background for Proposed Action

On January 27, 2014, Ecology submitted revisions to update the general air quality regulations contained in Chapter 173–400 Washington Administrative Code (WAC), which the EPA approved in three phases on October 3, 2014 (79 FR 59653), November 7, 2014 (79 FR 66291), and April 29, 2015 (80 FR 23721).[1] Under the revised applicability provisions of WAC 173–400–020 approved into the SIP on October 3, 2014, the regulations contained in Chapter 173–400 WAC apply statewide, ''. . . except for specific subsections where a local authority has adopted and implemented corresponding local rules that apply only to sources subject to local jurisdiction as provided under Revised Code of Washington (RCW) 70.94.141 and 70.94.331.''[2] Therefore, the EPA's approval of Ecology's January 2014 submittal applied only to geographic areas and source categories under Ecology's direct jurisdiction. We stated that we would address the revised Chapter 173–400 WAC regulations as they apply to local clean air agency jurisdictions on a case-by-case basis in separate, future actions.

On November 24, 2020, the Director of Ecology, as the Governor's designee for SIP revisions, submitted a request to update the air quality regulations in the SIP as they apply to SRCAA's jurisdiction in 40 CFR 52.2470(c), *Table 9—Additional Regulations Approved for the Spokane Regional Clean Air Agency (SRCAA) Jurisdiction.* SRCAA's jurisdiction applies within Spokane County, excluding certain facilities discussed in section III.D. *Scope of Proposed Action* of this document. SRCAA's jurisdiction also excludes Indian reservation land or any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction.

Appendix A of the SIP revision show how the submitted regulatory updates would apply to SRCAA's jurisdiction. These revisions can be summarized in two categories. The first category consists of local SRCAA regulations submitted for approval into the SIP. These SRCAA provisions can apply in lieu of, or serve as a supplement to, the statewide Chapter 173–400 WAC provisions. The second category consists of Chapter 173–400 WAC provisions adopted by reference in SRCAA *Regulation I,* subsection 2.14(A)(1). The EPA's proposed approval of the Chapter 173–400 WAC provisions adopted by reference for SRCAA's jurisdiction would be subject to the same general exceptions that apply to Ecology's direct jurisdiction. For example, as part of the January 2014 submittal of Chapter 173–400 WAC, Ecology did not submit for approval those provisions related to the regulation of toxic air pollutants or odor because such provisions are outside the scope of SIPs under Clean Air Act (CAA) section 110. Lastly, the EPA has not yet acted upon all updates to Chapter 173–400 WAC. Therefore, SRCAA and Ecology only requested approval of those WAC provisions that the EPA already approved for Ecology's direct jurisdiction.[3]

II. The Submitted SRCAA Regulations

The EPA last approved updates to the SRCAA regulations on September 28, 2015 (80 FR 58216) and April 12, 2016 (81 FR 21471). The 2015 and 2016 SIP revisions pertained primarily to solid fuel burning devices and particulate matter controls. In this proposed revision to the SIP, SRCAA and Ecology submitted the following general provisions and corollaries to Chapter 173–400 WAC as described below.

A. Article I—Policy, Short Title, and Definitions

SRCAA and Ecology submitted sections 1.01 *Policy,* 1.02 *Name of Agency* and 1.03 *Short Title* for approval and incorporation in the SIP. Subsections 1.01(A) *Agency and Jurisdiction* and 1.01(B) *Public Policy* replace WAC 173–400–010 *Policy and Purpose.* We note that subsection 1.01(C)(1) *Applicability* supplements but does not replace WAC 173–400–020 *Applicability.* Therefore, the EPA is proposing to approve both subsection 1.01(C)(1) and the most recent update to WAC 173–400–020, adopted by reference, to apply within SRCAA's jurisdiction. Subsection 1.01(C)(2) specifies ''Agency regulations that have been or will be approved by the United States Environmental Protection Agency (EPA) for inclusion in the Washington State Implementation Plan (SIP) apply for purposes of Washington's SIP, only to the following: (a) Those air contaminants for which the EPA has

[1] The EPA approved subsequent, minor updates to Chapter 173–400 WAC on September 29, 2016 (81 FR 66823), October 6, 2016 (81 FR 69385), and February 24, 2020 (85 FR 10302).

[2] For a more detailed discussion see page 39352 of the EPA's proposed approval of WAC 173–400–020 (79 FR 39351, July 10, 2014).

[3] *See* 85 FR 10301 (February 24, 2020). For those Chapter 173–400 WAC provisions not requested for approval at this time, we will retain our prior June 2, 1995 (60 FR 28726) approval of those provisions for SRCAA's jurisdiction. These provisions include WAC 173–400–030(24) [subsequently renumbered to 173–400–030(32)], 173–400–040(1)(a) & (b) [subsequently renumbered to 173–400–040(2)(a) & (b)], 173–400–070, WAC 173–400–081, and WAC 173–400–107. We will also retain our June 2, 1995, approval for WAC 173–400–161, 173–400–190, 173–400–205, and 173–400–210 because these provisions have not changed since our last approval.

established National Ambient Air Quality Standards (NAAQS) and precursors to such NAAQS pollutants as determined by the EPA for the applicable geographic area; and (b) Any additional air contaminants that are required to be regulated under Part C of Title I of the Federal Clean Air Act (FCAA), relating to prevention of significant deterioration and visibility, but only for the purpose of meeting the requirements of Part C of Title I of the FCAA or to the extent those additional air contaminants are regulated in order to avoid such requirements.'' Subsection 1.01(C)(2) is consistent with the EPA's prior approval of Chapter 173–400 WAC (see 79 FR 59653, October 3, 2014).

SRCAA and Ecology submitted section 1.04 *General Definitions* to replace the corresponding definitions contained in WAC 173–400–030. A redline/strikeout analysis of the section 1.04 definitions compared to the WAC 173–400–030 definitions is included in the docket for this action. Both sets of definitions are consistent, with minor wording changes for clarity or to reflect local agency implementation. Although the definitions in section 1.04 generally mirror the WAC 173–400–030 definitions, not all WAC 173–400–030 definitions appear in section 1.04. In these instances, SRCAA adopted by reference the following WAC 173–400–030 definitions in subsection 2.14(A)(1) and submitted them for approval in the SIP: Adverse Impact on Visibility; Capacity Factor; Class I Area; Dispersion Technique; Emission Threshold; Excess Stack Height; Existing Stationary Facility; Federal Class I Area; Federal Land Manager; Fossil Fuel-fired Steam Generator; General Process Unit; Greenhouse Gases; Industrial Furnace; Mandatory Class I Federal Area; Natural Conditions; Projected Width; Reasonably Attributable; Sulfuric Acid Plant; and Wood Waste. Consistent with our prior approvals of Chapter 173–400 WAC, SRCAA did not submit definitions related to toxic air pollutants or odors, because they are outside the scope of SIPs under CAA section 110. As previously noted, the EPA has not acted upon all updates to Chapter 173–400 WAC. Therefore, SRCAA and Ecology requested approval for only those WAC definitions, or SRCAA corollaries to those definitions, that the EPA already approved for Ecology's direct jurisdiction.[4]

Lastly, SRCAA submitted section 1.05 *Acronym Index* for approval in the SIP. We note that many of the acronyms relate to program areas outside the scope of the SIP such as Toxic Air Pollutant (TAP) and are provided for informational purposes only.

B. Article II—General Provisions

Article II primarily contains SRCAA's general implementation and enforcement authorities. As noted in previous approval actions, the EPA reviews and approves state and local clean air agency submissions to ensure they provide adequate enforcement authority and other general authority to implement and enforce the SIP. However, regulations describing such agency enforcement and other general authority are generally not incorporated by reference to avoid potential conflict with the EPA's independent authorities.[5] Therefore, we are proposing to approve, but not incorporate by reference into the SIP, sections 2.01 *Powers and Duties of the Board,* 2.02 *Control Office's Duties and Powers* [section 2.02(E) replaces WAC 173–400–105(3)], 2.03 *Confidential or Proprietary Information,* 2.04 *Violations* [replaces WAC 173–400–230(1) & (6)], 2.05 *Orders and Hearings,* 2.06 *Appeal of Board Orders* [replaces WAC 173–400–250], 2.10 *Severability,* 2.11 *Penalties, Civil Penalties, and Additional Means for Enforcement* [replaces WAC 173–400–230(2) & (3)], and 2.12 *Restraining Orders—Injunctions* [replaces WAC 173–400–230(4)].

In addition to the Article II general implementation and enforcement authorities described above, SRCAA and Ecology submitted sections or subsections 2.08(E), 2.08(F), 2.09, 2.13, and 2.14(A)(1) to be approved and incorporated by reference into the SIP, making these provisions federally enforceable upon EPA approval. Specifically, subsection 2.08(E) *False Statements* replaces 173–400–105(6); subsection 2.08(F) *Render Inaccurate* replaces WAC 173–400–105(8); section 2.09 contains SRCAA's source testing requirements and replaces WAC 173–400–105(4); and subsection 2.13(A) adopts by reference federal regulations cited in *Regulation I* as they existed on January 1, 2020. As part of SRCAA's adoption by reference of the WAC in section 2.14, SRCAA explicitly did not adopt by reference WAC 173–400–025 *Adoption of Federal Rules* in order to avoid conflicting with subsubsection 2.13(A). Therefore, for this proposed approval, references to ''in effect on the date in WAC 173–400–025'' as part of the SRCAA's adoption by reference of Chapter 173–400 WAC is understood to be January 1, 2020, consistent with subsection 2.13(A). Similarly, section 2.13(B) establishes the adoption by reference date of state regulations cited in section 2.14, as January 1, 2020, unless a different date is listed in section 2.14.

Subsection 2.14(A)(1) lists the specific Chapter 173–400 WAC provisions adopted by reference for SRCAA's jurisdiction. As previously noted, the regulations contained in Chapter 173–400 WAC apply statewide except for specific subsections where a local authority has adopted and implemented corresponding local rules. A table listing the Chapter 173–400 WAC provisions adopted by reference and proposed for approval in SRCAA's jurisdiction is included in section III of this proposal. We note that subsections 2.14(A)(2) through (11) apply in SRCAA's jurisdiction according to the terms of the relevant state regulations already approved into the SIP and do not need to be included as part of the local agency SIP submission.[6] Similarly, the adoption by reference of federal provisions in sections 2.16, 2.17, 2.18 and 2.19 are already applicable as federal requirements and are typically not submitted or approved as part of a state or local air agency SIP.

C. Article IV—Registration

SRCAA uses a registration-based, source category approach in section 4.04 *Stationary Sources and Source Categories Subject to Registration* for determining new source review (NSR) applicability under Article V *New Source Review for Stationary Sources and Portable Sources.* This approach mirrors the Chapter 173–400 WAC structure currently approved by the EPA for SRCAA's jurisdiction (60 FR 28726, June 2, 1995). In our July 10, 2014, proposed approval of revisions to Chapter 173–400 WAC for Ecology's direct jurisdiction, Ecology requested, and the EPA approved, removal of Ecology's registration program as a means of determining NSR applicability in the SIP (see 79 FR 39351, at page 39354). Instead, Ecology moved to an exemption-based NSR applicability structure using emission unit and

[4] For more information please see the EPA's review of Article I included in the docket for this proposed action.

[5] *See* Benton Clean Air Agency (80 FR 71695, November 17, 2015), Energy Facility Site Evaluation Council (82 FR 24533, May 30, 2017), Northwest Clean Air Agency (85 FR 36154, June 15, 2020), Puget Sound Clean Air Agency (85 FR 22355, April 22, 2020), and Southwest Clean Air Agency (82 FR 17139, April 10, 2017).

[6] Not all state regulations cited in subsections 2.14(A)(2) through (11) pertain to the regulation of criteria air pollutants under CAA section 110, nor do they apply universally to all geographic areas. Please see 40 CFR 52.2470(c) Table 1 for more information about the EPA's approval of the state regulations.

activity exemptions in WAC 173–400–110(4) and exemptions based on emissions thresholds in WAC 173–400–110(5), which the EPA approved on October 3, 2014 (79 FR 59653). We note that subsection 4.04(A)(5)(a) contains emissions thresholds equivalent to, or more stringent than, the corresponding NSR applicability emission exemption levels in WAC 173–400–110(5). We also note that subsection 4.04(A)(5) applies to any stationary source or stationary source category not otherwise identified, making SRCAA's NSR program more stringent than the emission unit and activity exemptions in WAC 173–400–110(4). Because SRCAA's NSR program continues to be based on the applicability of its registration program, we are proposing to approve and incorporate by reference in the SIP section 4.04, except for those provisions related to the regulation of toxic air pollutants or odors which are outside the scope of the SIP. In addition to section 4.04, the other sections or subsections SRCAA submitted for approval are 4.03(B) *Exemption Documentation,* 4.03(C) *Compliance with Regulation I,* and 4.05 *Closure of a Stationary Source or Emission Units,* all provisions of its registration program used for NSR applicability.

The other provisions of SRCAA's registration program do not impose air pollution control requirements on sources or implement or enforce federal requirements. As discussed in the EPA's removal of WAC 173–400–100 *Registration* from the SIP for Ecology's direct jurisdiction, these remaining registration provisions are not required SIP elements (79 FR 59653, October 3, 2014).[7] Therefore, SRCAA did not submit these other provisions as part of its SIP and requested that the EPA remove the citation to WAC 173–400–100 in the SIP for SRCAA's jurisdiction.

D. Article V—New Source Review for Stationary Sources and Portable Sources

As discussed above, section 4.04 in combination with section 5.02 *New Source Review—Applicability and when Required* replaces WAC 173–400–110 *New Source Review (NSR) for Sources and Portable Sources* in determining NSR applicability for sources under SRCAA's jurisdiction. Similarly, sections 5.04 *Information Required,* 5.06 *Application Completeness Determination,* 5.07 *Processing NOC Applications for Stationary Sources,* 5.10 *Changes to an Order of Approval or Permission to Operate,* 5.13 *Order of Approval Construction Time Limits,* and 5.14 *Appeals,* collectively, replace the permitting procedures in WAC 173–400–111 *Processing Notice of Construction Applications for Sources, Stationary Sources and Portable Sources.* Lastly, sections 5.05 *Public Involvement* and 5.08 *Portable Sources* replace WAC 173–400–171 *Public Notice and Opportunity for Public Comment* and WAC 173–400–036 *Relocation of Portable Sources,* respectively. An analysis of the SRCAA provisions with the corresponding WAC corollaries they replace is included in the docket for this action. SRCAA and Ecology also submitted for approval sections 5.09 *Operating Requirements for Order of Approval and Permission to Operate,* 5.11 *Notice of Startup of a Stationary Source or a Portable Source,* 5.12 *Work Done Without an Approval,* and 5.15 *Obligation to Comply,* all of which have no direct corollary under Chapter 173–400 WAC. For other new source review permitting requirements SRCAA relies on the adoption by reference of Chapter 173–400 WAC.

As discussed in section III.D *Scope of Proposed Action* of this document, Ecology and the Energy Facility Site Evaluation Council (EFSEC) have direct permitting authority for certain source categories, including the Prevention of Significant Deterioration (PSD) new source review permitting program for major stationary sources in attainment and unclassifiable areas. In these cases, SRCAA retains citations to the PSD program, implemented under WAC 173–400–700 through 173–400–750, for purposes such as working on permit coordination with Ecology, enforcing existing PSD permit conditions not yet incorporated into Title V permits, and determining violations for inspected facilities that failed to obtain the necessary PSD permits. However, SRCAA is not requesting, and the EPA is not proposing to approve, the authority to issue PSD permits under WAC 173–400–700 through 173–400–750 for SRCAA's direct permitting jurisdiction.

With respect to stationary sources in nonattainment areas, SRCAA does not currently have a designated nonattainment area. In the event that a nonattainment area is designated in the future, SRCAA adopts by reference the following WAC provisions for implementation of the nonattainment new source review (NNSR) program, and the accompanying visibility permitting requirements for major stationary sources: WAC 173–400–112 *Requirements for New Sources in Nonattainment Areas—Review for Compliance with Regulations,* WAC 173–400–117 *Special Protection Requirements for Federal Class I Areas,* WAC 173–400–131 *Issuance of Emission Reduction Credits,* 173–400–136 *Use of Emission Reduction Credits (ERC),* as well as the major stationary source NNSR provisions contained in WAC 173–400–800 through 173–400–860.[8]

E. Article VI—Emissions Prohibited

As part of the SIP revision, SRCAA and Ecology submitted only those Article VI provisions which are corollaries to, or supplement, certain SIP-approved provisions contained in WAC 173–400–040 *General Standards for Maximum Emissions.* Specifically, SRCAA and Ecology submitted subsection 6.04(C) *Emissions Detrimental to Persons or Property* as a direct replacement for the equivalent corollary in WAC 173–400–040(6). SRCAA and Ecology also submitted 6.04 subsections (A), (B), and (H) to supplement and implement subsection 6.04(C). However, SRCAA and Ecology did not submit the odor-related provisions of section 6.04 because these provisions are outside the scope of the SIP.[9] SRCAA and Ecology also submitted sections 6.05 *Particulate Matter and Preventing Particulate*

[7] For a more detailed discussion, please see our proposed rulemaking (79 FR 39351, July 10, 2014, at page 39354).

[8] The EPA approved WAC 173–400–800 through 173–400–860 for Ecology's direct permitting jurisdiction on November 7, 2014 (79 FR 59653), with minor revisions to reflect updated federal citations on October 6, 2016 (81 FR 69385). In connection with our November 7, 2014 approval, we reviewed WAC 173–400–800 through 173–400–860 pursuant to the federal regulatory requirements in existence at that time, and discussed the fact that the EPA's 2008 $PM_{2.5}$ New Source Review Rule (73 FR 28321, May 16, 2008), had been remanded to the EPA by the U.S. Court of Appeals for the District of Columbia Circuit. See 79 FR 43345, 43347 (July 25, 2014) (proposed action); 79 FR 59653 (final action). EPA's 2008 $PM_{2.5}$ New Source Review Rule has since been replaced by a revised implementation rule published August 24, 2016, which imposed additional NNSR requirements for $PM_{2.5}$ nonattainment areas (81 FR 58010). Because there are currently no nonattainment areas within NWCAA's jurisdiction or Washington State for any criteria pollutant, including $PM_{2.5}$, the EPA did not review WAC 173–400–800 through 173–400–860 for consistency with the newly revised $PM_{2.5}$ implementation rule; nor does Ecology or NWCAA have an obligation to submit rule revisions to address the 2016 $PM_{2.5}$ implementation rule at this time. However, we note that the federal major stationary source NNSR requirements remain unchanged for all other criteria pollutants since our review and approval of WAC 173–400–800 through 173–400–860.

[9] In our approval of WAC 173–400–040 for Ecology's direct jurisdiction, Ecology did not submit, and the EPA did not approve, WAC 173–400–040(5) *Odors* because that section was not related to criteria pollutants regulated under title I of the CAA, not essential for meeting and maintaining the NAAQS, or not related to the requirements for SIPs under section 110 of the CAA. See 79 FR 39351, July 10, 2014, at page 39353.

Matter from Becoming Airborne (except subsection A), 6.14 *Standards for Control of Particulate Matter on Paved Surfaces,* and 6.15 *Standards for Control of Particulate Matter on Unpaved Roads* to supplement but not replace corresponding corollary provisions in WAC 173–400–040(4) and (9). We note that the EPA previously approved these provisions on April 12, 2016 (81 FR 21471). The resubmitted versions contain minor edits to clarify geographic applicability and improve readability. Lastly, SRCAA and Ecology submitted section 6.07 *Emission of Air Contaminant Concealment and Masking Restricted* which is a nearly verbatim replacement of WAC 173–400–040(8) *Concealment and Masking.* An analysis of the Article VI provisions submitted for approval is included in the docket for this action.

III. The EPA's Proposed Action

A. Regulations To Approve and Incorporate by Reference Into the SIP

The EPA is proposing to approve and incorporate by reference into the Washington SIP at 40 CFR 52.2470(c), *Table 9—Additional Regulations Approved for the Spokane Regional Clean Air Agency (SRCAA) Jurisdiction,* the SRCAA and Ecology regulations listed in Tables 1 and 2 for sources under SRCAA's jurisdiction.

TABLE 1—SPOKANE REGIONAL CLEAN AIR AGENCY (SRCAA) REGULATIONS FOR PROPOSED APPROVAL AND INCORPORATION BY REFERENCE

State/local citation	Title/subject	State/local effective date	Explanation
1.01	Policy	09/01/20	Subsections (A) and (B) replace WAC 173–400–010.
1.02	Name of Agency	09/01/20	
1.03	Short Title	09/01/20	
1.04	General Definitions	09/01/20	Except subsections (17), (41), (52), (60), (74), (101), (112), (119), and (122). Section 1.04 replaces WAC 173–400–030 except the WAC 173–400–030 definitions list below.
1.05	Acronym Index	09/01/20	
2.08	Falsification of Statements or Documents, and Treatment of Documents.	09/01/20	Subsections (E) and (F) only. Subsection (E) replaces WAC 173–400–105(6). Subsection (F) replaces WAC 173–400–105(8).
2.09	Source Tests	09/01/20	Section 2.09 replaces WAC 173–400–105(4).
2.13	Federal and State Regulation Reference Date.	09/01/20	Subsection (A) replaces WAC 173–400–025.
2.14	Washington Administrative Codes (WACS).	09/01/20	Subsection (A)(1) only, and only with respect to those revised Chapter 173–400 WAC provisions that are identified for incorporation by reference in the table below.
4.03	Registration Exemptions	09/01/20	Subsections (B) and (C) only.
4.04	Stationary Sources and Source Categories Subject to Registration.	09/01/20	Except subsections (A)(3)(u), (A)(3)(v), (A)(5)(b), (A)(5)(e)(9), or any other provision as it relates to the regulation of toxic air pollutants or odors.
4.05	Closure of a Stationary Source or Emissions Unit(s).	09/01/20	
5.02	New Source Review—Applicability and when Required.	09/01/20	Except subsections (C)(5) and (I). Section 5.02 Replaces WAC 173–400–110. Subsection (F) replaces WAC 173–400–111(2).
5.03	NOC and PSP Fees	09/01/20	
5.04	Information Required	09/01/20	Except subsection (A)(8). Collectively, sections 5.04, 5.06, 5.07, 5.10, 5.13, and 5.14 replace the permitting procedures in WAC 173–400–111.
5.05	Public Involvement	09/01/20	Except subsection (C)(15). Section 5.05 replaces WAC 173–400–171.
5.06	Application Completeness Determination.	09/01/20	Collectively, sections 5.04, 5.06, 5.07, 5.10, 5.13, and 5.14 replace the permitting procedures in WAC 173–400–111.
5.07	Processing NOC Applications for Stationary Sources.	09/01/20	Except subsections (A)(1)(g) and (B). Collectively, sections 5.04, 5.06, 5.07, 5.10, 5.13, and 5.14 replace the permitting procedures in WAC 173–400–111, and subsection 5.07(A)(7) replaces WAC 173–400–110(2)(a).
5.08	Portable Sources	09/01/20	Except subsection (A)(6). Section 5.08 replaces WAC 173–400–036.
5.09	Operating Requirements for Order of Approval and Permission to Operate.	09/01/20	Except subsection (C).
5.10	Changes to an Order of Approval or Permission to Operate.	09/01/20	Collectively, sections 5.04, 5.06, 5.07, 5.10, 5.13, and 5.14 replace the permitting procedures in WAC 173–400–111.
5.11	Notice of Startup of a Stationary Source or a Portable Source.	09/01/20	
5.12	Work Done Without an Approval	09/01/20	
5.13	Order of Approval Construction Time Limits.	09/01/20	Collectively, sections 5.04, 5.06, 5.07, 5.10, 5.13, and 5.14 replace the permitting procedures in WAC 173–400–111.
5.14	Appeals	09/01/20	Collectively, sections 5.04, 5.06, 5.07, 5.10, 5.13, and 5.14 replace the permitting procedures in WAC 173–400–111.
5.15	Obligation to Comply	09/01/20	
6.04	Emission of Air Contaminant: Detriment to Person or Property.	09/01/20	Subsections (A), (B), (C), and (H) only and excepting provisions in RCW 70.94.640 (incorporated by reference) that relate to odor. Subsection (C) replaces WAC 173–400–040(6).

TABLE 1—SPOKANE REGIONAL CLEAN AIR AGENCY (SRCAA) REGULATIONS FOR PROPOSED APPROVAL AND INCORPORATION BY REFERENCE—Continued

State/local citation	Title/subject	State/local effective date	Explanation
6.05	Particulate Matter and Preventing Particulate Matter from Becoming Airborne.	09/01/20	Except subsection (A). Section 6.05 supplements but does not replace WAC 173–400–040(4) and (9).
6.07	Emission of Air Contaminant Concealment and Masking Restricted.	09/01/20	Section 6.07 replaces WAC 173–400–040(8).
6.14	Standards for Control of Particulate Matter on Paved Surfaces.	09/01/20	Section 6.14 supplements but does not replace WAC 173–400–040(9).
6.15	Standards for Control of Particulate Matter on Unpaved Roads.	09/01/20	Section 6.15 supplements but does not replace WAC 173–400–040(9).

Table 2 shows the Chapter 173–400 WAC provisions adopted by reference in *Regulation I,* subsection 2.14(A)(1) that SRCAA and Ecology submitted to apply within SRCAA's jurisdiction. We note that many of the exclusions listed below are identical to the exclusions for Ecology's direct jurisdiction. We also note that SRCAA and Ecology did not submit updates to all the Chapter 173–400 WAC provisions. For these remaining provisions we will retain our prior approval of the WAC (60 FR 28726, June 2, 1995).

TABLE 2—WASHINGTON DEPARTMENT OF ECOLOGY REGULATIONS FOR PROPOSED APPROVAL AND INCORPORATION BY REFERENCE

State/local citation	Title/subject	State/local effective date	Explanation
Chapter 173–400 WAC, General Regulations for Air Pollution Sources			
173–400–020	Applicability	12/29/12	
173–400–030	Definitions	9/16/18	Only the following definitions: Adverse Impact on Visibility; Capacity Factor; Class I Area; Dispersion Technique; Emission Threshold; Excess Stack Height; Existing Stationary Facility; Federal Class I Area; Federal Land Manager; Fossil Fuel-fired Steam Generator; General Process Unit; Greenhouse Gases; Industrial Furnace; Mandatory Class I Federal Area; Natural Conditions; Projected Width; Reasonably Attributable; Sulfuric Acid Plant; and Wood Waste.
173–400–040	General Standards for Maximum Emissions.	9/16/18	Except: 173–400–040(2); 173–400–040(3); 173–400–040(5); 173–400–040(6); 173–400–040(8).
173–400–050	Emission Standards for Combustion and Incineration Units.	9/16/18	Except: 173–400–050(2); 173–400–050(4); 173–400–050(5); 173–400–050(6).
173–400–060	Emission Standards for General Process Units.	11/25/18	
173–400–091	Voluntary Limits on Emissions	4/1/11	9/20/93 version continues to be approved under the authority of CAA Section 112(l) with respect to Section 112 hazardous air pollutants. See 60 FR 28726 (June 2, 1995).
173–400–105	Records, Monitoring, and Reporting.	11/25/18	Except: 173–400–105(3); 173–400–105(4); 173–400–105(6); 173–400–105(8).
173–400–112	Requirements for New Sources in Nonattainment Areas—Review for Compliance with Regulations.	12/29/12	
173–400–113	New Sources in Attainment or Unclassifiable Areas—Review for Compliance with Regulations.	12/29/12	Except: 173–400–113(3), second sentence.
173–400–117	Special Protection Requirements for Federal Class I Areas.	12/29/12	
173–400–118	Designation of Class I, II, and III Areas.	12/29/12	
173–400–131	Issuance of Emission Reduction Credits.	4/1/11	
173–400–136	Use of Emission Reduction Credits (ERC).	4/1/11	
173–400–151	Retrofit Requirements for Visibility Protection.	2/10/05	
173–400–175	Public Information	2/10/05	
173–400–200	Creditable Stack Height and Dispersion Techniques.	2/10/05	
173–400–560	General Order of Approval	12/29/12	Except: The part of 173–400–560(1)(f) that says, "173–460 WAC".

TABLE 2—WASHINGTON DEPARTMENT OF ECOLOGY REGULATIONS FOR PROPOSED APPROVAL AND INCORPORATION BY REFERENCE—Continued

State/local citation	Title/subject	State/local effective date	Explanation
173–400–800	Major Stationary Source and Major Modification in a Nonattainment Area.	4/1/11	EPA did not review WAC 173–400–800 through 860 for consistency with the August 24, 2016 $PM_{2.5}$ implementation rule (81 FR 58010); nor does SRCAA have an obligation to submit rule revisions to address the 2016 $PM_{2.5}$ implementation rule at this time.
173–400–810	Major Stationary Source and Major Modification Definitions.	7/1/16	
173–400–820	Determining if a New Stationary Source or Modification to a Stationary Source is Subject to these Requirements.	12/29/12	
173–400–830	Permitting Requirements	7/1/16	
173–400–840	Emission Offset Requirements	7/1/16	
173–400–850	Actual Emissions Plantwide Applicability. Limitation (PAL)	7/1/16	
173–400–860	Public Involvement Procedures	4/1/11	

B. Approved but Not Incorporated by Reference Regulations

As discussed above, we are proposing to approve the following updates to SRCAA's general provisions for inclusion in 40 CFR 52.2470(e), *Table 1—Approved but Not Incorporated by Reference Regulations:* sections 2.01 *Powers and Duties of the Board,* 2.02 *Control Office's Duties and Powers* [section 2.02(E) replaces WAC 173–400–105(3)], 2.03 *Confidential or Proprietary Information,* 2.04 *Violations* [replaces WAC 173–400–230(1) & (6)], 2.05 *Orders and Hearings,* 2.06 *Appeal of Board Orders* [replaces WAC 173–400–250], 2.10 *Severability,* 2.11 *Penalties, Civil Penalties, and Additional Means for Enforcement* [replaces WAC 173–400–230(2) & (3)], and 2.12 *Restraining Orders—Injunctions* [replaces WAC 173–400–230(4)]. We also note that SRCAA adopts by reference WAC 173–400–220 *Requirements for Board Members,*173–400–230 *Regulatory Actions,* 173–400–240 *Criminal Penalties,* 173–400–250 *Appeals,* and 173–400–260 *Conflict of Interest* to apply within its jurisdiction in the approved but not incorporated by reference section of the SIP.

C. Regulations To Remove From the SIP

We are proposing to remove from the SIP for SRCAA's jurisdiction any formerly approved Chapter 173–400 WAC provisions which are replaced by local agency corollaries as described above. We are also proposing to remove WAC 173–400–100 *Registration* from the SIP for SRCAA's jurisdiction because it is not a required SIP element as described above in the discussion of Article IV. Lastly, we are proposing to remove the outdated and subsequently repealed Regulation II, section 4.01 because these requirements were replaced by SRCAA's adoption by reference of WAC 173–400–050 and WAC 173–400–060.[10]

D. Scope of Proposed Action

This proposed revision to the SIP applies specifically to the SRCAA jurisdiction incorporated into the SIP at 40 CFR 52.2470(c)—Table 9. As discussed in our October 3, 2014 action, local air agency jurisdiction in Washington is generally defined on a geographic basis; however, there are exceptions (79 FR 59653, at page 59654). By statute, SRCAA does not have authority for sources under the jurisdiction of EFSEC. See Revised Code of Washington Chapter 80.50. Under the applicability provisions of WAC 173–405–012, 173–410–012, and 173–415–012, SRCAA also does not have jurisdiction for kraft pulp mills, sulfite pulping mills, and primary aluminum plants. For these sources, Ecology retains statewide, direct jurisdiction. Ecology and EFSEC also retain statewide, direct jurisdiction for issuing PSD permits, as previously discussed. Therefore, the EPA is not approving into 40 CFR 52.2470(c)—Table 9 those provisions of Chapter 173–400 WAC related to the PSD program. Specifically, these provisions are WAC 173–400–116 and WAC 173–400–700 through 173–400–750, which the EPA has already approved as applying state-wide under 40 CFR 52.2470(c)—Tables 2 and 3.

As described in our April 29, 2015 action, jurisdiction to implement the visibility permitting program contained in WAC 173–400–117 varies depending on the situation. Ecology retains authority to implement WAC 173–400–117 as it relates to PSD permits. See 80 FR 23721. However, for facilities that may be subject to major NNSR under the applicability provisions of WAC 173–400–800, adopted by reference, we are proposing that SRCAA would be responsible for implementing those parts of WAC 173–400–117 as they relate to major NNSR permits. See 80 FR 23726. If finalized, the EPA is also proposing to modify the visibility protection Federal Implementation Plan contained in 40 CFR 52.2498 to reflect the approval of WAC 173–400–117 as it applies to implementation of the major NNSR program in SRCAA's jurisdiction.

Lastly, this SIP revision is not approved to apply on any Indian reservation land within Spokane County and is also not approved to apply in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction.

IV. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the regulations shown in the tables in section III.A of this document. *Regulations to Approve and Incorporate by Reference into the SIP* and the rules proposed for removal from the SIP in section III.C. *Regulations to Remove from the SIP* of this document. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER**

[10] See ''Repeal of Regulation II, Section 4.01'' included in the docket.

INFORMATION CONTACT section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the 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 CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and
- Does not provide the 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).

As discussed above, the SIP is not approved to apply on any Indian reservation land in within Spokane county, or any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction as described above in section III.D of this document. 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 9, 2021.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2021–03035 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2020–0739; FRL–10020–10–Region 8]

Approval and Promulgation of Implementation Plans; South Dakota; Revisions to Air Rules of South Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of South Dakota on January 3, 2020 that revises the Administrative Rules of South Dakota (ARSD), Air Pollution Control Program, updating the chapter pertaining to definitions. The EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 26, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2020–0739, to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in *www.regulations.gov.* To reduce the risk of COVID–19 transmission, for this action we do not plan to offer hard copy review of the docket. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Kate Gregory, (303) 312–6175, *gregory.kate@epa.gov.* Mail can be directed to the Air and Radiation Division, U.S. EPA, Region 8, Mail-code 8ARD–QP, 1595 Wynkoop Street, Denver, Colorado 80202–1129.

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

I. Background

On January 3, 2020 the State of South Dakota submitted proposed revisions and additions to the ARSD. In this action, we are proposing to approve the additions to the ARSD pertaining to the definitions section.

II. EPA's Evaluation

On January 3, 2020 the EPA received revisions for the ARSD for the State of South Dakota. The submittal was signed by the Governor and received a 30-day State public comment period starting on November 26, 2019 (no requests were made for a public hearing). The EPA is proposing to approve the revisions to the ARSD, specifically the additions to the definitions section, for the State of South Dakota submitted by the State on January 3, 2020 in this action.

III. Proposed Action

In this action, the EPA is proposing to approve the revisions to the ARSD submitted by the State of South Dakota on January 3, 2020, specifically the additions of 74:36:01(74) and 74:36:01(75) in the definitions section of the ARSD.[1] The subsections of the ARSD definitions section we are proposing to approve, 74:36:01(74) and 74:36:01(75), contain the definitions of 'closed landfill' and 'closed landfill subcategory' respectively. In this action, we are proposing to approve the addition of the abovementioned subsections to the definitions section of the ARSD. Additional revisions and additions to the ARSD, related to content including 'closed landfill' and 'closed landfill subcategory' have been proposed for approval in a separate document [(85 FR 68538) Approval and Promulgation of State Plans for Designated Facilities and Pollutants; South Dakota; Control of Emissions From Existing Municipal Solid Waste Landfills].

In the table below, the key is as follows:

A—*Approve.*

D—*Disapprove.*

TABLE 1—ARSD ADDITIONS THAT THE EPA IS PROPOSING TO ACT ON

Additions the Administrative Rules of South Dakota (ARSD)	
74:36:01(74)	A
74:36:01(75)	A

IV. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference South Dakota's January 3, 2020 submission of the ARSD of the State of South Dakota as described in the Proposed Action section of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 Office (please contact the persons identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the 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 CAA. Accordingly, this action merely proposes to approve 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 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 proposed 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, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: February 3, 2021.

Debra Thomas,

Acting Regional Administrator, Region 8.

[FR Doc. 2021–02680 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

[1] The additional revisions and additions to the ARSD as they relate to the SIP referenced in the January 3, 2020 ARSD rule revision submission by the State of South Dakota were approved in a prior rule: Air Quality State Implementation Plans; Approval and Promulgation of Implementation Plans; South Dakota; Infrastructure Requirements for the 2015 Ozone National Ambient Air Quality Standards; Revisions to Administrative Rules (85 FR 67653).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R06–OAR–2021–0059; FRL–10020–27–Region 6]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Louisiana; Control of Emissions From Existing Other Solid Waste Incineration Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is notifying the public that we have received a CAA section 111(d)/129 negative declaration from Louisiana for existing incinerators subject to the Other Solid Waste Incineration units (OSWI) Emission Guidelines (EG). This negative declaration certifies that existing incinerators subject to the OSWI EG and the requirements of sections 111(d) and 129 of the CAA do not exist within Louisiana. The EPA is proposing to accept the negative declaration and amend the agency regulations in accordance with the requirements of the CAA.

DATES: Written comments must be received on or before March 26, 2021.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2021–0059, at *https://www.regulations.gov* or via email to

ruan-lei.karolina@epa.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact Karolina Ruan Lei, (214) 665–7346, *ruan-lei.karolina@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov.* While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Karolina Ruan Lei, EPA Region 6 Office, Air and Radiation Division—State Planning and Implementation Branch, 1201 Elm Street, Suite 500, Dallas, TX 75270, (214) 665–7346, *ruan-lei.karolina@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office will be closed to the public to reduce the risk of transmitting COVID–19. We encourage the public to submit comments via *https://www.regulations.gov,* as there will be a delay in processing mail and no courier or hand deliveries will be accepted. 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

Sections 111(d) and 129 of the CAA require states to submit plans to control certain pollutants (designated pollutants) at existing solid waste combustor facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and the EPA has established emission guidelines for such existing sources. CAA section 129 directs the EPA to establish standards of performance for new sources (NSPS) and emissions guidelines (EG) for existing sources for each category of solid waste incineration unit. Under CAA section 129, NSPS and EG must contain numerical emissions limitations for particulate matter, opacity (as appropriate), sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans. While NSPS are directly applicable to affected facilities, EG for existing units are intended for states to use to develop a state plan to submit to the EPA. Once approved by the EPA, the state plan becomes federally enforceable. If a state does not submit an approvable state plan to the EPA, the EPA is responsible for developing, implementing, and enforcing a federal plan.

The regulations at 40 CFR part 60, subpart B, contain general provisions applicable to the adoption and submittal of state plans for controlling designated pollutants. Additionally, 40 CFR part 62, subpart A, provides the procedural framework by which EPA will approve or disapprove such plans submitted by a state. When an affected facility is located in a state, the state must then develop and submit a plan for the control of the designated pollutant. However, 40 CFR 60.23(b) and 62.06 provide that if there are no existing sources of the designated pollutant in the state, the state may submit a letter of certification to that effect (*i.e.,* negative declaration) in lieu of a plan. The negative declaration exempts the state from the requirements of subpart B that require the submittal of a CAA section 111(d)/129 plan.

EPA promulgated the OSWI NSPS and EG on December 16, 2005, codified at 40 CFR part 60, subparts EEEE and FFFF, respectively (70 FR 74870). Thus, states were required to submit plans for incinerators subject to the OSWI EG pursuant to sections 111(d) and 129 of the Act and 40 CFR part 60, subpart B. The designated facilities to which the OSWI EG apply are existing incinerators [1] subject to the OSWI EG that commenced construction on or before December 9, 2004, and were not modified or reconstructed on or after June 16, 2006, as specified in 40 CFR 60.2991 and 60.2992, with limited exceptions as provided under 40 CFR 60.2993. The EPA proposed revisions to the OSWI EG and NSPS on August 31, 2020 (85 FR 54178). When the EPA finalizes the revisions to the OSWI EG,[2] each state (and air quality control jurisdiction) will need to submit a negative declaration or plan, as applicable, for those sources subject to the requirements of the revised OSWI EG.

The Louisiana Department of Environmental Quality (LDEQ) determined that there are no sources subject to the OSWI EG in its individual air pollution control jurisdiction in Louisiana. In order to fulfill its obligations under CAA sections 111(d) and 129, LDEQ submitted a negative declaration certifying that incinerators subject to the OSWI EG and the requirements of sections 111(d) and 129 of the CAA do not exist within its jurisdiction. LDEQ submitted its OSWI negative declaration letter to the EPA on November 24, 2020.[3] A copy of the negative declaration letter can be found in the docket for this rulemaking. EPA is notifying the public that the negative declaration fulfills LDEQ's obligations under CAA sections 111(d) and 129. The submittal of this negative declaration exempts Louisiana from the requirement to submit a state plan for incinerators subject to the OSWI EG under 40 CFR part 60, subpart FFFF.

II. Proposed Action

The EPA is proposing to amend 40 CFR part 62, subpart T, to reflect receipt of the negative declaration letter from LDEQ, submitted on November 24, 2020, certifying that there are no existing incinerators subject to the OSWI EG at 40 CFR part 60, subpart FFFF, in Louisiana in accordance with 40 CFR 60.2982, 40 CFR 60.23(b), 40 CFR 62.06, and sections 111(d) and 129 of the CAA.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a CAA section 111(d)/129 submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 42 U.S.C. 7429; 40 CFR part 60, subparts B and FFFF; and 40 CFR part 62, subpart A. With regard to

[1] These incinerators include both OSWI and air curtain incinerators (ACI). These ACI that are subject to the OSWI EG at 40 CFR part 60, subpart FFFF, are those ACI that may not fit the definition of an ''OSWI'' under the OSWI EG as they burn certain types of wastes. See 40 CFR 60.2994(b) and 40 CFR 60.3078.

[2] The court ordered deadline to promulgate the final OSWI review is May 31, 2021. *Sierra Club* v. *Wheeler,* 330 F. Supp. 3d 407. (D.D.C. 2018).

[3] The Louisiana negative declaration letter for incinerators subject to the OSWI EG does not cover sources located in Indian country.

negative declarations for designated facilities received by the EPA from states, the EPA's role is to notify the public of the receipt of such negative declarations and revise 40 CFR part 62 accordingly. For that reason, this action:

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

This proposed rule also does not have Tribal implications because it will not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: February 11, 2021.

David Gray,

Acting Regional Administrator, Region 6.

[FR Doc. 2021–03196 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[EPA–R08–OAR–2020–0722; FRL–10019–26–Region 8]

Proposed Full Approval of Revised Clean Air Act Operating Permit Program; North Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA or the ''Agency'') is proposing full approval of the revised and recodified North Dakota operating permit program for stationary sources subject to title V of the Clean Air Act (CAA or the ''Act''). On August 6, 2018, North Dakota submitted a request for approval of its revisions to the North Dakota operating permit program (the ''title V program'') for stationary sources subject to title V of the CAA and recodification of the State's title V program under a new title of the North Dakota Administrative Code (NDAC). The EPA determined that the revised and recodified program substantially met the requirements of title V of the Act and Code of Federal Regulations (CFR) but was not fully approvable because the State law provisions for judicial review were not consistent with program requirements found in the CFR. Thus, EPA issued an interim approval of North Dakota's title V program. North Dakota has made the changes required for full program approval. Accordingly, the EPA is proposing this action in accordance with the CAA and CFR title V program approval requirements.

DATES: Written comments must be received on or before March 26, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2020–0722, to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www.epa.gov/dockets/commenting-epa-dockets.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in *www.regulations.gov.* To reduce the risk of COVID–19 transmission, for this action we do not plan to offer hard copy review of the docket. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Gregory Lohrke, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, (303) 312–6396, *lohrke.gregory@epa.gov.*

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

Proposed Action: In the ''Rules and Regulations'' section of this issue of the **Federal Register**, the EPA is publishing a direct final rule without prior proposal to amend 40 CFR part 70 to reflect the full final approval of the North Dakota title V program. The EPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the action is set forth in the preamble to the direct final rule. If the EPA receives no adverse comments, EPA contemplates no further action. If the EPA receives adverse comments, EPA will withdraw the direct final rule and will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For additional information, see the direct final rule of

the same title which is located in the ''Rules and Regulations'' section of this issue of the **Federal Register**.

List of Subjects in 40 CFR Part 70

Environmental protection, Air pollution control, Intergovernmental relations, Title V.

Dated: February 11, 2021.

Debra Thomas,

Acting Regional Administrator, Region 8.

[FR Doc. 2021–03266 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0053; FRL–10019–68]

Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities (December 2020)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Filing of petition and request for comment.

SUMMARY: This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before March 26, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Biopesticides and Pollution Prevention Division (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov;* or Marietta Echeverria, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

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

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

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR [part 174 and/or part 180] for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

A. Notice of Filing—New Tolerances for Non-Inerts

PP 0E8840. (EPA–HQ–OPP–2020–0545). Nichino America, Inc., 4450 Linden Hill Road, Suite 501, Wilmington, DE 19808, requests to

establish a tolerance in 40 CFR part 180 for residues of the insecticide pyrifluquinazon in or on persimmon at 0.5 parts per million (ppm). The Nichino Analytical Method was developed to determine pyrifluquinazon and its de-acetylated metabolite (IV–01), which is the primary metabolite for total residues in crops. The methods are sufficiently sensitive to detect residues at or above the tolerance proposed. All methods have undergone independent laboratory validation. *Contact:* RD.

B. Notice of Filing—New Tolerance Exemptions for Non-Inerts (Except PIPS)

PP 0F8845. (EPA–HQ–OPP–2020–0577). Indigo Ag, Inc., 500 Rutherford Ave., Ste. 201, Boston, MA 02129, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide *Kosakonia cowanii* strain SYM00028 in or on all food commodities. The petitioner believes no analytical method is needed because it is not applicable. According to the petitioner, soil degradation testing confirmed that use of the associated products would not result in toxicologically significant residues on or in food and, based on the metabolic profiling performed, no metabolites of concern are produced by *Kosakonia cowanii* strain SYM00028. *Contact:* BPPD.

Authority: 21 U.S.C. 346a.

Dated: January 27, 2021.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2021–02648 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 86, No. 35

Wednesday, February 24, 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 19, 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 26, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Special Nutrition Programs Quick Response Surveys (SNP QRS).

OMB Control Number: 0584–0613.

Summary of Collection: This generic clearance, which allows the Food and Nutrition Service (FNS) to quickly collect and analyze specific information from State and local administrators of the Special Nutrition Programs (SNP), includes two data collections: (1) An annual sample frame data collection and (2) quick response surveys. FNS conducts lengthy, large, and complex studies on broad topics about the SNPs, which often take several years to complete. The Quick Response Surveys provides a mechanism for succinct, quick-turnaround studies to complement the larger SNP studies. Collecting sample frame data on an annual basis provides FNS the flexibility to conduct these shorter, quick-turnaround studies. This generic clearance enables FNS to administer the SNPs more effectively by providing a mechanism for rapidly collecting current information on specific time-sensitive features or issues.

Need and Use of the Information: This collection is necessary to collect and analyze specific information from State and local administrators of the SNPs in a timely manner. FNS will collect data from State, Local, and Tribal governments and from business (both profit and non-profit organizations) through these studies. FNS will use the data collected for the sample frames to identify the universe of entities that can be sampled for the quick-response surveys. These surveys will collect information from key administrators of the SNPs at the State, local, and site level in response to various program and research questions resulting from the larger and more complex SNP studies. The data collected from these quick turnaround studies will be used to answer policy and implementation questions posed by the larger studies and will enable FNS to monitor program funding, comply with statutes and regulations, and adopt program changes.

Description of Respondents: State, Local, or Tribal Government and businesses (for-profit and not-for-profit institutions).

Number of Respondents: 108,597 over the three-year approval.

Frequency of Responses: Reporting: On Occasion; Annually.

Total Burden Hours: 31,335 over the three-year approval.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–03813 Filed 2–23–21; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 19, 2021.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. 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 these information collections are best assured of having their full effect if received by March 26, 2021. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to

the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Regulations and Related Reporting and Recording Requirements—FTPP, Packers and Stockyards Division.

OMB Control Number: 0580–0015.

Summary of Collection: The Agricultural Marketing Service (AMS) administers the provisions of the Packers and Stockyards Act of 1921 (Act), as amended and supplemented (7 U.S.C. 181–229c). The Act is designed to protect the financial interests of livestock and poultry producers engaged in commerce of livestock and live poultry sold for slaughter. It also protects members of the livestock and poultry marketing, processing, and merchandising industries from unfair, unjustly discriminatory, deceptive, or anti-competitive practices in the livestock, meat, and poultry industries. AMS will collect information using several forms.

Need and Use of the Information: AMS requires regulated entities in the livestock, meat packing, and poultry industries to keep records, submit information to AMS, and provide information to third parties. AMS will collect information to monitor and examine financial, competitive and trade practices in the livestock, meatpacking, and poultry industries. Also, the information will help assure that the regulated entities do not engage in unfair, unjustly discriminatory, or deceptive trade practices or anti-competitive behavior.

Description of Respondents: Business or other for-profit.

Number of Respondents: 15,371.

Frequency of Responses: Recordkeeping; Third party disclosure; Reporting: On occasion; Semi-annually; Annually.

Total Burden Hours: 26,137.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–03829 Filed 2–23–21; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0071]

Classify Canada as Level I for Bovine Tuberculosis and Brucellosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that we are proposing to classify Canada as Level I for both bovine tuberculosis and brucellosis. This proposed recognition is based on evaluations we have prepared in connection with this action, which we are making available for review and comment.

DATES: We will consider all comments that we receive on or before April 26, 2021.

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

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2020–0071 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0071, 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 regulations.gov or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Kelly Rhodes, Senior Staff Veterinarian, Regionalization Evaluation Services, Strategy and Policy, VS, APHIS, USDA, 4700 River Road Unit 38, Riverdale, MD 20737–1231; *AskRegionalization@usda.gov;* (301) 851–3315.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 93, subpart D (§§ 93.400 through 93.442, referred to below as part 93 or the subpart), contain requirements for the importation of ruminants into the United States to address the risk of introducing or disseminating diseases of livestock within the United States. Part 93 currently contains provisions that address the risk that imported bovines (cattle or bison) may introduce or disseminate bovine tuberculosis or brucellosis within the United States. Within part 93, § 93.437 contains the requirements for classification of foreign regions for bovine tuberculosis and § 93.438 contains the process for requesting regional classification for bovine tuberculosis. In accordance with § 93.437(f), the Animal and Plant Health Inspection Service (APHIS) maintains lists of all Level I, Level II, Level III, Level IV, and Level V regions for bovine tuberculosis and adds foreign regions classified in accordance with § 93.438 to these lists.

Section 93.440 contains the requirements for classification of foreign regions for brucellosis and § 93.441 contains the process for requesting regional classification for brucellosis. In accordance with § 93.440(d), APHIS maintains lists of all Level I, Level II, and Level III regions for brucellosis and adds regions classified in accordance with § 93.441 to these lists.

Paragraph (a) of § 93.438 provides that a representative of a national government with authority to make such a request may request that APHIS classify a region for bovine tuberculosis; paragraph (a) of § 93.441 has a similar provision with respect to requests for brucellosis classification. Within those same sections, paragraph (b) provides that if, after reviewing and evaluating the request for bovine tuberculosis or brucellosis classification, respectively, APHIS believes the region can be accurately classified, APHIS will publish a notice in the **Federal Register** with the proposed classification and make its evaluation available for public comment. Following the close of the comment period, APHIS will review all comments received and will make a final determination regarding the request that will be detailed in another document published in the **Federal Register**.

The Government of Canada has requested that APHIS evaluate and classify Canada for bovine tuberculosis and brucellosis. In response to Canada's request, we have prepared two evaluations, titled ''APHIS Evaluation of Canada for Bovine Tuberculosis (*Mycobacterium bovis*) Classification'' (April 2020) and ''APHIS Evaluation of Canada for Bovine Brucellosis (*Brucella abortus*) Classification'' (May 2020). The evaluations conclude that Canada meets the conditions to be classified as Level I for both bovine tuberculosis and brucellosis, which supports adding Canada to the web-based list of Level I regions for bovine tuberculosis and the web-based list of Level I regions for brucellosis.

Therefore, in accordance with §§ 93.438(b) and 93.441(b), we are announcing the availability of our evaluations of Canada for bovine tuberculosis and brucellosis classification, for public review and comment. We are also announcing the availability of an environmental assessment (EA) that has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provision of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The evaluations and EA may be viewed on the *Regulations.gov* website or in our reading room. (Instructions for accessing *Regulations.gov* and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this notice.) The documents are also available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Information submitted in support of Canada's request is available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

After reviewing any comments we receive, we will announce our final determination regarding classification of Canada with respect to bovine tuberculosis and brucellosis in a subsequent notice.

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

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

Michael Watson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–03773 Filed 2–23–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0070]

Classify the State of Sonora, Mexico, as Level I for Brucellosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that we are proposing to classify the State of Sonora, Mexico as Level 1 for brucellosis. This proposed recognition is based on an evaluation we have prepared in connection with this action, which we are making available for review and comment.

DATES: We will consider all comments that we receive on or before April 26, 2021.

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

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2020–0070 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0070, 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 *regulations.gov* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Kelly Rhodes, Senior Staff Veterinarian, Regionalization Evaluation Services, Strategy and Policy, VS, APHIS, USDA, 4700 River Road, Unit 38, Riverdale, MD 20737–1231; *AskRegionalization@usda.gov;* (301) 851–3315.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 93, subpart D (§§ 93.400 through 93.442, referred to below as part 93 or the subpart), contain requirements for the importation of ruminants into the United States to address the risk of introducing or disseminating diseases of livestock within the United States. Part 93 currently contains provisions that address the risk that imported bovines (cattle or bison) may introduce or disseminate brucellosis within the United States. Within part 93, § 93.440 contains the requirements for classification of foreign regions for brucellosis and § 93.441 contains the process for requesting regional classification for brucellosis.

In accordance with § 93.440(d), the Animal and Plant Health Inspection Service (APHIS) maintains lists of all Level I, Level II, and Level III regions for brucellosis and adds foreign regions classified in accordance with § 93.441 to these lists.

Section 93.441(b) states that if, after reviewing and evaluating the request for classification, APHIS believes the request can be safely granted, APHIS will publish a notice in the **Federal Register** indicating the proposed classification and make its evaluation available for public comment. Following the close of the comment period, APHIS will review all comments received and will make a final determination regarding the request that will be detailed in another document published in the **Federal Register.**

The Government of Mexico has requested that APHIS evaluate and classify the State of Sonora for brucellosis. In response to Mexico's request, we have prepared an evaluation, titled ''APHIS Evaluation of the State of Sonora, Mexico for Bovine Brucellosis Classification'' (September 2017). The evaluation concludes that the State of Sonora meets the conditions to be classified as Level I for brucellosis, which supports adding the State of Sonora to the web-based list of Level I regions for brucellosis.

Therefore, in accordance with § 93.441(b), we are announcing the availability of our evaluation of Sonora, Mexico for brucellosis, for public review and comment. We are also announcing the availability of an environmental assessment (EA) which has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provision of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The evaluation and EA may be viewed on the *Regulations.gov* website or in our reading room. (Instructions for accessing *Regulations.gov* and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this notice.) The documents are also available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Information submitted in support of Mexico's request is available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

After reviewing any comments we receive, we will announce our final determination regarding classification of the State of Sonora, Mexico with respect to brucellosis in a subsequent notice.

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

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

Michael Watson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–03771 Filed 2–23–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension with no revision of a currently approved information collection, *Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares.*

DATES: Comments must be received in writing on or before April 26, 2021 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be submitted by email to *glen.vanzandt@usda.gov.* Comments may also be submitted by mail, addressed to Director, Forest Management, Mail Stop 1103, Forest Service, USDA, 1400 Independence Avenue SW, Washington, DC 20250. Comments submitted in response to this notice may be made available to the public through relevant websites and upon request. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

The public may request an electronic copy of the draft supporting statement and/or any comments received. Requests should be emailed to *glen.vanzandt@usda.gov.*

FOR FURTHER INFORMATION CONTACT: Glen Van Zandt, Forest Management Staff, by phone (202) 617–1095 or by email at *glen.vanzandt@usda.gov.* Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares.

OMB Number: 0596–0141.

Expiration Date of Approval: June 30, 2021.

Type of Request: Extension with no Revision of a currently approved information collection.

Abstract: The Forest Service adopted the Small Business Timber Sale Set-Aside Program (Set-Aside Program) on July 26, 1990 (55 FR 30485). The Agency administers the Set-Aside Program in cooperation with the Small Business Administration (SBA) under the authorities of the Small Business Act (15 U.S.C. 631), the National Forest Management Act of 1976, and SBA regulations in 13 CFR part 121. The Set-Aside Program is designed to ensure that small business timber purchasers have the opportunity to purchase a fair proportion of National Forest System timber offered for sale.

Under the Set-Aside Program, the Forest Service must recompute the shares of timber sales to be set aside for qualifying small businesses every 5 years based on the actual volume of sawtimber that has been purchased by small businesses. Additionally, shares must be recomputed if there is a change in manufacturing capability, if the purchaser size class changes, or if certain purchasers discontinue operations.

In 1992, the Agency adopted new administrative appeal procedures (36 CFR part 215), which excluded the Set-Aside Program. Prior to adoption of 36 CFR part 215, the Agency accepted appeals of recomputation decisions under 36 CFR part 217, and therefore decided to establish procedures for providing notice to affected purchasers offering an opportunity to comment on the recomputation of shares (61 FR 7468). The Conference Report accompanying the 1997 Omnibus Appropriation Act (Pub. L. 104–208) directed the Forest Service to reinstate an appeals process for decisions concerning recomputation of Small Business Set-Aside shares, structural recomputations of SBA shares, or changes in policies impacting the Set-Aside Program prior to December 31, 1996. The Small Business Timber Sale Set-Aside Program, Appeal Procedures on Recomputation of Shares (36 CFR 223.118; 64 FR 411, January 5, 1999), outlines the types of decisions that are subject to appeal, who may appeal decisions, the procedures for appealing decisions, the timelines for appeal, and the contents of the notice of appeal.

The Forest Service provides qualifying timber sale purchasers 30-days for pre-decisional review and comment on draft decisions to reallocate shares, including the data used in making the proposed recomputation decision. Within 15 days after the close of the 30-day pre-decisional review period, an Agency official makes a decision on the shares to be set aside for small businesses and gives written notice of the decision to all parties on the national forest timber sale bidders list for the affected area. The written notice provides the date by which the appeal may be filed and how to obtain information on appeal procedures.

Only those timber sale purchasers, or their representatives, who are affected by small business share timber sale set-aside recomputation decisions and who have submitted pre-decisional comments, may appeal recomputation decisions. The appellant must file a notice of appeal with the appropriate Forest Service official within 20 days of the date on the notice of decision. The notice of appeal must include:

1. The appellant's name, mailing address, and daytime telephone number;

2. The title or type of recomputation decision involved and date of the decision;

3. The name of the responsible Forest Service official;

4. A brief description and date of the decision being appealed;

5. A statement of how the appellant is adversely affected by the decision being appealed;

6. A statement of facts in dispute regarding the issue(s) raised by the appeal;

7. Specific references to law, regulation, or policy that the appellant believes have been violated (if any) and the basis for such an allegation;

8. A statement as to whether and how the appellant has tried to resolve the appeal issues with the responsible Forest Service official, including evidence of submission of written comments at the pre-decisional stage; and

9. A statement of the relief the appellant seeks.

The data gathered in this information collection is not available from other sources.

Affected Public: Timber sale purchasers, or their representatives, who are affected by recomputations of the small business share of timber sales.

Estimate of Burden per Response: 9 hours.

Estimated Annual Number of Respondents: 40.

Estimated Annual Number of Responses per Respondent: 2.

Estimated Total Annual Burden on Respondents: 720 hours.

Comment is Invited:

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (2) 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) 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 respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request provided to the Office of Management and Budget for approval.

John G. Church,

Assistant Director, Forest & Rangeland Management and Vegetation Ecology, National Forest System.

[FR Doc. 2021–03712 Filed 2–23–21; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Montana Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the Montana Advisory Committee (Committee) to the Commission will hold a meeting via Webex platform at 12:00 p.m. (MT) on Thursday, March 25, 2021 for the purpose of hearing testimony from the Montana Secretary of State's Office regarding voting access for Native Americans.

DATES: Thursday, March 25, 2021 at 12:00 p.m. Mountain Time.

Public Call-In Information: Dial: (800) 360–9505, Access code: 199 308 5779

Web Access Information Link: http://bit.ly/MTSAC325

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO) at *afortes@usccr.gov* or by phone at (202) 681–0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800–360–9505, Access code: 199 308 5779. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or email Ana Victoria Fortes at *afortes@usccr.gov.*

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://www.facadatabase.gov/FACA/FACAPublicView CommitteeDetails?id=a10t0000001gzlyAAA.*

Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Presentation by Dana Corson, Montana Elections Director
III. Q & A
IV. Public Comment
V. Adjournment

Dated: February 18, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–03742 Filed 2–23–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Nevada Advisory Committee (Committee) will hold a meeting via the Webex platform on Monday, March 1, 2021 at 2:00 p.m. Pacific Time. The purpose of the meeting is for the Committee to continue planning for upcoming web hearings focused on distance learning and equity in education.

DATES: The meeting will be held on:

- Monday, March 1, 2021 at 2:00 p.m. Pacific Time

Public Call-In Information: Dial: 800–360–9505, Access Code: 199 102 9739

Web Access Information Link: http://bit.ly/NVSAC3121

FOR FURTHER INFORMATION CONTACT: Ana Fortes, Designated Federal Officer (DFO), at *afortes@usccr.gov* or by phone at (202) 681–0857.

SUPPLEMENTARY INFORMATION: An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal

Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 N Los Angeles St., Suite 2010, Los Angeles, CA 90012 or email Ana Fortes at *afortes@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available at: *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzlJAAQ.*

Please click on the ''Meeting Details'' and ''Documents'' links. Persons interested in the work of this Committee are also directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit office at the above email or street address.

Agenda

I. Welcome
II. Review Agenda
III. Review Guidelines
IV. Discuss Press Outreach
V. Public Comment
VI. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the COVID crisis and DFO availability.

Dated: February 18, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–03741 Filed 2–23–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–68–2020]

Foreign-Trade Zone (FTZ) 279—Houma, Louisiana; Authorization of Limited Production Activity; Deepwater Riser Services (Offshore Drilling Riser Systems and Equipment), Houma, Louisiana

On October 22, 2020, Deepwater Riser Services submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 279, in Houma, Louisiana.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (85 FR 73018, November 16, 2020). On February 19, 2021, the applicant was notified of the FTZ Board's decision that further review of part of the proposed activity is warranted. The FTZ Board authorized the production activity described in the notification on a limited basis, subject to the FTZ Act and the Board's regulations, including Section 400.14, and further subject to a restriction requiring Kevlar straps for fins be admitted to the zone in privileged foreign status (19 CFR 146.41).

Dated: February 19, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–03785 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–63–2020]

Foreign-Trade Zone (FTZ) 26—Atlanta, Georgia; Authorization of Production Activity; Zinus USA Inc. (Foam Bedding), McDonough, Georgia

On October 22, 2020, Zinus USA Inc., submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 26, in McDonough, Georgia.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (85 FR 69312, November 2, 2020). On February 19, 2021, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: February 19, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–03786 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–08–2021]

Foreign-Trade Zone (FTZ) 204—Tri-Cities, Tennessee, Notification of Proposed Production Activity, Eastman Chemical Company (Plastics), Kingsport, Tennessee

Eastman Chemical Company (Eastman Chemical) submitted a notification of proposed production activity to the FTZ Board for its planned facility in Kingsport, Tennessee. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 12, 2021.

The applicant has submitted a separate application for FTZ designation at the company's facility under FTZ 204. The facility will be used for methanolysis operations and the recycling of plastics. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Eastman Chemical from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status materials/components noted below, Eastman Chemical would be able to choose the duty rates during customs entry procedures that apply to ethylene glycol, acetic acid, acetic anhydride, and copolyester pellets of resin (duty rate ranges from 1.8% to 6.5%). Eastman Chemical 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.

The components and materials sourced from abroad include polyethylene terephthalate, methanol, and scrap polymers (of ethylene, styrene, vinyl chloride, or plastic) (duty rate ranges from duty free to 5.5%). The request indicates that certain materials/components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

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 April 5, 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 Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

Dated: February 18, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–03784 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation and Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on March 10, 2021, at 11:30 a.m., Eastern Standard Time, via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Status reports by working group chairs.
3. Public comments and Proposals.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than March 3, 2021.

To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 9, 2021, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (10)(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2021–03816 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Fahad Saleem Kharbey, Inmate Number: 66834–018, FMC Lexington, Federal Medical Center, P.O. Box 14500, Lexington, KY 40512; Order Denying Export Privileges

On May 31, 2019, in the U.S. District Court for the Middle District of Florida, Fahad Saleem Kharbey (''Kharbey''), was convicted of violating 18 U.S.C. 554(a). Specifically, Kharbey was convicted of fraudulently and knowingly exporting firearms and magazines, designated as defense articles on the United States Munitions List, from the United States to Dubai, United Arab Emirates, without having first obtained a license or other approval from the United Department of State, in violation of 18 U.S.C. 554. Kharbey was sentenced to 36 months in prison, supervised release for three years, a $200 special assessment and restitution of $755,281.13.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554(a), may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Kharbey's conviction for violating 18 U.S.C. 554(a), and has provided notice and opportunity for Kharbey to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Kharbey.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Kharbey's export privileges under the Regulations for a period of seven years from the date of Kharbey's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Kharbey had an interest at the time of his conviction.[3]

Accordingly, it is hereby *Ordered:*

First, from the date of this Order until May 31, 2026, Fahad Saleem Kharbey, with a last known address of Inmate Number: 66834–018, FMC Lexington, Federal Medical Center,

P.O. Box 14500, Lexington, KY 40512, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering,

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Kharbey's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2020). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601–4623 (Supp. III 2015) (''EAA''), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR., 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) (''IEEPA''). Section 1768 of ECRA, 50 U.S.C. 4826, provides in pertinent part that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. *See* note 1 above.

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Kharbey by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Kharbey may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Kharbey and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until May 31, 2026.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–03823 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Siddharth Bhatt, 170 West Polk Street, #1402, Chicago, IL 60605 and 201 Mamta Building, Jain Derasar Marg, Santa-Cruz (West), Mumbai, Maharashtra (India) 400054; Order Denying Export Privileges

On September 16, 2020, in the U.S. District Court for the District of Columbia, Bhatt (''Bhatt''), was convicted of violating the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*) (''IEEPA''). Specifically, Bhatt was convicted of willfully exporting, and attempting to export and causing to be exported a U.S.-origin thermal imaging camera from the United States to the UAE, without having first obtained the required license from the U.S. Department of Commerce. Bhatt was sentenced to probation for a term of 48 months, a $100 assessment, and a fine of $2,500.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, IEEPA, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Bhatt's conviction for violating IEEPA, and has provided notice and opportunity for Bhatt to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Bhatt.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Bhatt's export privileges under the Regulations for a period of 10 years from the date of Bhatt's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Bhatt had an interest at the time of his conviction.[3]

Accordingly, it is hereby *Ordered:*

First, from the date of this Order until September 16, 2030, Siddharth Bhatt, with last known addresses of 170 West Polk Street, #1402, Chicago, IL 60605 and 201 Mamta Building, Jain Derasar Marg, Santa-Cruz (West), Mumbai, Maharashtra (India) 400054, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering,

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[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended, is codified at 50 U.S.C. 4801–4852. Bhatt's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2020). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601–4623 (Supp. III 2015) (''EAA''), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) (''IEEPA''). Section 1768 of ECRA, 50 U.S.C. 4826, provides in pertinent part that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. *See* note 1 above.

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of ECRA (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Bhatt by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Bhatt may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Bhatt and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until September 16, 2030.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–03825 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Jesse Rodriguez, 2025 Dana Avenue #F6, Brownsville, TX 78521; Order Denying Export Privileges

On January 16, 2019, in the U.S. District Court for the Southern District of Texas, Jesse Rodriguez (''Rodriguez''), was convicted of violating 18 U.S.C. 554(a). Specifically, Rodriguez was convicted of fraudulently and knowingly facilitating the transportation, concealment, and sale of merchandise, including .223 and 7.62 caliber ammunition, which are defense articles as defined under the United States Munitions List, in violation of 18 U.S.C. 554. Rodriguez was sentenced to 30 months in prison, supervised release for one year, and a $100 special assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554(a), may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Rodriguez's conviction for violating 18 U.S.C. 554(a), and has provided notice and opportunity for Rodriguez to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Rodriguez.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Rodriguez's export privileges under the Regulations for a period of five years from the date of Rodriguez's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Rodriguez had an interest at the time of his conviction.[3]

Accordingly, it is hereby *Ordered:*

First, from the date of this Order until January 16, 2024, Jesse Rodriguez, with a last known address of 2025 Dana Avenue #F6, Brownsville, TX 78521, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Rodriguez's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2020). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601–4623 (Supp. III 2015) (''EAA''), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) (''IEEPA''). Section 1768 of ECRA, 50 U.S.C. 4826, provides in pertinent part that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. *See* note 1 above.

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Rodriguez by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Rodriguez may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Rodriguez and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until January 16, 2024.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–03824 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials and Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials and Equipment Technical Advisory Committee will meet on March 11, 2021, 10:00 a.m., Eastern Daylight Time, via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

Agenda

Open Session

1. Opening Remarks and Introduction by BIS Senior Management.
2. Report from working groups.
3. Report by regime representatives.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10 (a)(1) and 10 (a)(3).

The open session will be accessible via teleconference on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than March 4, 2021.

To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 9, 2021, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 § § 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2021–03818 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–845]

Hot-Rolled Steel Flat Products From Brazil: Rescission of Antidumping Duty Administrative Review: 2019–2020

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty (AD) order on hot-rolled steel flat products from Brazil for the period of review (POR) October 1, 2019, through September 30, 2020, based on the timely withdrawal of the request for review.

DATES: Applicable February 24, 2021.

FOR FURTHER INFORMATION CONTACT: Dusten Hom, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5075.

SUPPLEMENTARY INFORMATION:

Background

On October 1, 2020, Commerce published a notice of opportunity to request an administrative review of the AD order on hot-rolled steel flat products from Brazil for the POR of October 1, 2019, through September 30, 2020.[1] In accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), Commerce received a timely-filed request for an administrative review from AK Steel Corporation, United States Steel Corporation, Steel Dynamics, Inc., and SSAB Enterprises,

[1] *See Antidumping or Countervailing Duty Order. Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 85 FR 61926 (October 1, 2020).

LLC (collectively, the Domestic Interested Parties) for the following producers/exporters: Aperam Inox America Do Sul S.A.; Arcelormittal Brasil S.A.; Companhia Siderugica Do Pecém (CSP); Gerdau Acominas S.A.; Gerdau Summit Acos Fundidos e Forjados S.A.; Lámina Desplegada S.A. de C.V.; MAHLE Metal Leve S.A.; NVent do Brasil Eletrometalurgica Ltda.; Prensas Schuler S.A.; Signode Brasileira Ltda.; Ternium Brasil Ltda.; and Usinas Siderurgicas de Minas Gerais S.A. (Usiminas).[2]

On December 8, 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 AD order on hot-rolled steel flat products from Brazil with respect to the 12 requested companies.[3] On February 2, 2021, the Domestic Interested Parties withdrew their request for an administrative review with respect to all of the companies for which it had requested a review.[4]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. As noted above, the Domestic Interested Parties withdrew their request for review of all companies within 90 days of the publication date of the notice of initiation. 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 U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of hot-rolled steel flat products from Brazil during the POR. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping 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 appropriate assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.42(f)(2) to file a certificate regarding the reimbursement of AD 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 AD duties occurred and the subsequent assessment of doubled AD duties.

Notification Regarding Administrative Protective Orders

This notice also serves as the only 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 issues 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 18, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–03779 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See* Domestic Interested Parties' Letter, ''Hot-Rolled Steel Flat Products from Brazil: Request for Administrative Review of Antidumping Duty Order,'' dated October 30, 2020.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 78990 (December 8, 2020).

[4] *See* Domestic Interested Parties' Letter, ''Hot-Rolled Steel Flat Products from Brazil: Withdrawal of Request for Administrative Review of Antidumping Duty Order,'' dated February 2, 2021.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–826]

Certain Hot-Rolled Steel Flat Products From the Republic of Turkey: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2018–2019

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that seven companies, including the sole mandatory respondent, Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. (Habas), a producer and exporter of certain hot-rolled steel flat products (hot-rolled steel) from the Republic of Turkey (Turkey), sold subject merchandise in the United States at prices below normal value during the period of review (POR) October 1, 2018, through September 30, 2019. In addition, Commerce preliminarily determines that six exporters had no shipments during the POR. Lastly, on May 15, 2020, Commerce discontinued the review initiated for Colakoglu Metalurji, A.S., and Colakoglu Dis Ticaret A.S. We invite all interested parties to comment on these preliminary results.

DATES: Applicable February 24, 2021.

FOR FURTHER INFORMATION CONTACT: Lingjun Wang, 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) 482–2316.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on hot-rolled steel from Turkey,[1] in accordance with section 751(a)(1)(B) of Tariff Act of 1930, as amended (the Act). On December 11, 2019, in accordance with 19 CFR 351.221(c)(1)(i), we initiated this administrative review of the *Order* covering thirteen producers and/or exporters of the subject merchandise.[2] On May 15, 2020, Commerce selected Habas as the sole mandatory respondent.[3]

On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[4] Subsequently, on July 21,

[1] *See Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders,* 81 FR 67962 (October 3, 2016) (*Order*); *See also Certain Hot-Rolled Steel Flat Products from Turkey: Notice of Court Decision Not in Harmony with the Amended Final Determination in the Less-Than-Fair-Value Investigation; Notice of Amended Final Determination, Amended Antidumping Duty Order, Notice of Revocation of Antidumping Duty Order in Part; and Discontinuation of the 2017–18 and 2018–19 Antidumping Duty Administrative Reviews, in Part,* 85 FR 29399 (May 15, 2020) (*Timken Notice*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 67712 (December 11, 2019) (*Initiation Notice*).

[3] *See* Memorandum, ''Respondent Selection Memorandum for Administrative Review of Antidumping Duty Order on Certain Hot-Rolled Steel Flat Products from the Republic of Turkey; 2018–2019,'' dated May 15, 2020.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty

Continued

2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.[5] On October 2, 2020, we postponed the preliminary results of this review until February 17, 2021.[6] For a detailed description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum, dated concurrently with these preliminary results and hereby adopted by this notice.[7]

Scope of the Order

The merchandise covered by the *Order* is certain hot-rolled steel flat products. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.[8]

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Export prices are calculated in accordance with section 772 of the Act and normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Determination of No Shipments

Six producers and/or exporters properly filed a certification reporting that they made no shipments of subject merchandise during the POR: (1) Agir Haddecilik A.S. (Agir); (2) Eregli Demir ve Celik Fabrikalari T.A.S. and (3) Iskenderun Iron & Steel Works Ltd. (a/k/a/Iskenderun Demir ve Celik A.S.) (collectively, Erdemir Group);[9] (4) Gazi Metal Mamulleri Sanayi ve Ticaret A.S. (Gazi); (5) Seametal Sanayi ve Dis Ticaret Limited Sirketi (Seametal)[10]; and (6) Tosyali Holding (Toscelik Profile and Sheet Ind. Co., Toscelik Profil ve Sac A.S.). U.S. Customs and Border Protection (CBP) did not have any information to contradict these claims of no shipments during the POR.[11] Therefore, we preliminarily determine that these companies did not have shipments of subject merchandise during the POR. Consistent with Commerce's practice,[12] Commerce finds that it is not appropriate to rescind the review with respect to these six companies, but rather to complete the review and issue appropriate instructions to CBP based on the final results of this review.

Discontinuation of Administrative Review

On May 15, 2020, Commerce discontinued this review with respect to Colakoglu Metalurji, A.S., and Colakoglu Dis Ticaret A.S., based on the final judgment of the U.S. Court of International Trade in the litigation associated with the underlying less-than-fair-value investigation.[13]

Rate for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.''

In this review, we have preliminarily calculated a weighted-average dumping margin for Habas that is not zero, *de minimis,* or determined entirely on the basis of facts available. Accordingly, we have preliminarily assigned to the companies not individually examined a weighted-average dumping margin of 21.48 percent, which is the weighted-average dumping margin calculated for Habas.

Preliminary Results

We preliminarily determine the following weighted-average dumping margins for the period October 1, 2018, through September 30, 2019:

Producer and exporter	Weighted-average dumping margin (percent)
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S	21.48

Review-Specific Average Rate Applicable to the Following Companies:[14]

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, ''Certain Hot-Rolled Steel Flat Products from the Republic of Turkey: Antidumping Duty Administrative Review; 2018–2019; Extension of Deadline for Preliminary Results,'' dated October 2, 2020.

[7] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments: Certain Hot-Rolled Steel Flat Products from Turkey; 2018–2019,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[8] *Id.; see also Order.*

[9] In the underlying investigation, Commerce collapsed Eregrli Demir ve Celik Fabrikalari T.A.S. and Iskenderun Iron & Steel Works Co. (collectively, Erdemir Group) as a single entity. *See Certain Hot-Rolled Steel Flat Products from the Republic of Turkey: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 81 FR 15231 (March 22, 2016), and accompanying Preliminary Decision Memorandum at 6, unchanged in *Certain Hot-Rolled Steel Flat Products from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value,* 81 FR 53428 (August 12, 2016).

[10] In Commerce's *Initiation Notice,* this company was referred to as Seametal San ve Dis Tic. The two names refer to the same company.

[11] *See* Preliminary Decision Memorandum at 4.

[12] *See, e.g., Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2017–2018,* 84 FR 34863 (July 19, 2019), and accompanying Preliminary Decision Memorandum at 4.

[13] *See Certain Hot-Rolled Steel Flat Products from Turkey: Notice of Court Decision Not in Harmony with the Amended Final Determination in the Less-Than-Fair-Value Investigation; Notice of Amended Final Determination, Amended Antidumping Duty Order, Notice of Revocation of Antidumping Duty Order in Part; and Discontinuation of the 2017–18 and 2018–19 Antidumping Duty Administrative Reviews, in Part,* 85 FR 29399 (May 15, 2020).

[14] This rate is based on the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis,* or based entirely on facts available. *See* section 735(c)(5)(A) of the Act. *See* Memorandum, ''Final Results of the Antidumping Administrative Review of Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea: Calculation of the Cash Deposit Rate for Non-Reviewed Companies,'' dated July 6, 2020.

Producer and/or exporters	Weighted-average dumping margin (percent)
Cag Celik Demir ve Celik	21.48
Habas Industrial and Medical Gases Production Industries Inc	21.48
MMK Atakas Metalurji	21.48
Ozkan Iron and Steel Ind	21.48

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[15] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.[16] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Pursuant to 19 CFR 351.212(b)(1), where an examined respondent's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we calculated an importer-specific *ad valorem* duty assessment rate based on the ratio of the total amount of dumping calculated for the U.S. sales for a given importer to the total entered value of those sales. Where the mandatory respondent did not report entered value, we calculated the entered value in order to calculate the assessment rate. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies that were not selected for individual examination, we will instruct CBP to assess antidumping duties at an *ad valorem* rate equal to each company's weighted-average dumping margin determined in the final results of this review.

For entries of subject merchandise during the POR produced by Habas for which it did not know that its merchandise was destined for the United States and for all entries attributed to the companies that we find had no shipments during the POR, we will instruct CBP to liquidate such unreviewed entries pursuant to the reseller policy,[17] *i.e.,* the assessment rate for such entries will be equal to the all-others rate established in the investigation (*i.e.,* 2.73 percent),[18] if there is no rate for the intermediate company(ies) involved in the transaction.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each specific company listed above will be equal to each company's weighted-average dumping margin established in the final results of this review, (except if the *ad valorem* rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero); (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the underlying investigation, but the producer is, then the cash deposit rate will be the rate established for the completed segment for the most recent POR for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 2.73 percent, the all-others rate established in the underlying investigation.[19]

These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.[20] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the time limit for filing case briefs.[21] 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.[22] Executive summaries should be limited to five pages total, including footnotes. Case and rebuttal briefs should be filed using ACCESS and must be served on interested parties.[23] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[24]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Hearing 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. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.[25] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

An electronically-filed request for a hearing must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[26]

Final Results of Review

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in all written briefs, not later than 120 days after the publication of these preliminary results in the **Federal Register** pursuant to section 751(a)(3)(A) of the Act and 19 CFR

[15] *See* 19 CFR 351.212(b).

[16] *See* section 751(a)(2)(C) of the Act.

[17] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[18] *See Timken Notice.*

[19] *See Certain Hot-Rolled Steel Flat Products from Turkey: Notice of Court Decision Not in Harmony with the Amended Final Determination in the Less-Than-Fair-Value Investigation; Notice of Amended Final Determination, Amended Antidumping Duty Order, Notice of Revocation of Antidumping Duty Order in Part; and Discontinuation of the 2017–18 and 2018–19 Antidumping Duty Administrative Reviews, in Part,* 85 FR 29399 (May 15, 2020).

[20] *See* 19 CFR 351.309(c)(1)(ii); *see also* 19 CFR 351.303 (for general filing requirements).

[21] *See* 19 CFR 351.309(d)(1).

[22] *See* 19 CFR 351.309(c)(2) and (d)(2).

[23] *See* 19 CFR 351.303.

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

[25] *See* 19 CFR 351.310(c).

[26] *See* 19 CFR 351.310(c); *see also* 19 CFR 351.303(b)(1).

351.213(h)(1), unless otherwise extended.[27]

Notification to Importers

This notice 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 double 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 351.221(b)(4).

Dated: February 17, 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. Preliminary Determination of No Shipments
V. Companies Not Selected for Individual Examination
VI. Period of Review
VII. Discussion of the Methodology
VIII. Currency Conversion
IX. Recommendation

[FR Doc. 2021–03783 Filed 2–23–21; 8:45 am]

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[27] *See* section 751(a)(3)(A) of the Act.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–815]

Light-Walled Rectangular Pipe and Tube From Turkey: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019

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

SUMMARY: The Department of Commerce (Commerce) determines that Noksel Celik Boru Sanayi A.S. (Noksel) made U.S. sales of light-walled rectangular pipe and tube (LWRPT) from Turkey at less than normal value during the period of review (POR) *i.e.,* May 1, 2018, through April 30, 2019.

DATES: Applicable February 24, 2021.

FOR FURTHER INFORMATION CONTACT: Thomas Hanna, AD/CVD Operations, Office IV, Enforcement & Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0835.

SUPPLEMENTARY INFORMATION:

Background

On July 24, 2020, Commerce published the *Preliminary Results* for the administrative review of the antidumping duty (AD) order covering LWRPT from Turkey for the POR, May 1, 2018, through April 30, 2019.[1] On July 21, 2020, Commerce tolled all deadlines in administrative reviews by 60 days, thereby extending the deadline for these final results until January 19, 2021.[2] On August 24, 2020, Commerce received case briefs from Nucor Tubular Products Inc. (Nucor) and Noksel.[3] On August 31, 2020, Commerce received a rebuttal brief from Nucor.[4] On January 15, 2021, Commerce extended the deadline for these final results of review until February 16, 2021.[5]

Scope of the Order

The merchandise covered by the AD order is certain welded carbon quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4 millimeters. The merchandise subject to the order is classified in the Harmonized Tariff Schedule of the United States at subheadings 7306.61.50.00 and 7306.61.70.60. For a complete description of the scope of the order, see the Issues and Decision Memorandum.[6]

[1] *See Light-Walled Rectangular Pipe and Tube from Turkey: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission, and Preliminary Determination of No Shipments; 2018–2019,* 85 FR 44861 (July 24, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[3] *See* Noksel's Letter, ''Light-Walled Rectangular Pipe And Tube from Turkey: Noksel's Case Brief,'' dated August 24, 2020; *see also* Nucor's Letter, ''Light-Walled Rectangular Pipe and Tube from Turkey: Nucor Tubular's Case Brief and Request to Participate in Any Hearing Requested,'' dated August 24, 2020.

[4] *See* Nucor's Letter, ''Light-Walled Rectangular Pipe and Tube from Turkey: Nucor Tubular's Rebuttal Brief,'' dated August 31, 2020.

[5] *See* Memorandum, ''Light-Walled Rectangular Pipe and Tube from Turkey: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated January 15, 2021.

[6] *See* Memorandum ''2018–2019 Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from Turkey: Issues and Decision Memorandum for the Final Results,'' dated concurrently with this notice (Issues and Decision Memorandum).

Analysis of Comments Received

We addressed all issues raised in the case and rebuttal briefs filed in this administrative review in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the sections in the Issues and Decision Memorandum is in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

We made the following changes to the preliminary dumping margin calculations: (1) We revised the methodology used to assign costs to products that were sold during the POR, but not produced during the POR (see Comment 3 in the Issues and Decision Memorandum); (2) we included international freight and loading expenses in U.S. movement expenses (see Comment 4 in the Issues and Decision Memorandum); and (3) we calculated indexed costs using theoretical, rather than actual, production quantities (see Comment 5 in the Issues and Decision Memorandum).

Final Determination of No Shipments

In the *Preliminary Results,* we found that the following six companies made no shipments of subject merchandise to the United States during the POR: (1) Çayirova Boru Sanayi ve Ticaret A.S.; (2) Yücel Boru ve Profil Endüstrisi A.S.; (3) Yücelboru Ihracat Ithalat ve Pazarlama A.S.; (4) Tosçelik Profil ve Sac Endüstrisi A.S.; (5) Tosyali Dis Ticaret A.S.; and (6) Toscelik Metal Ticaret A.S.[7] No parties commented on this determination. For the final results of review, we continue to find that these companies made no shipments of subject merchandise to the United States during the POR.

Final Results of Review

We are assigning following dumping margin to the firm listed below for the

[7] *See Preliminary Results.*

period May 1, 2018, through April 30, 2019:

Producer or exporter	Weighted average dumping margin (percent)
Noksel Celik Boru Sanayi A.S	35.06

Disclosure

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

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.[8] Commerce calculated importer-specific *ad valorem* AD assessment rates for Noksel by aggregating for each importer identified for the reported sales, the total amount of dumping calculated for the sales for which that importer was identified and dividing each of these amounts by the total entered value of those sales. Commerce will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment rate is not zero or *de minimis.*

For entries of subject merchandise during the POR produced by Noksel for which it did not know its merchandise was destined for the United States, and for entries associated with the six companies for which Commerce found ''no shipments'' during the POR, Commerce will instruct CBP to liquidate such unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transactions.[9]

Consistent with its recent notice,[10] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice of final results of administrative review in the **Federal Register** for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Noksel is equal to the weighted-average dumping margin determined in these final results of review; (2) for previously reviewed or investigated companies not listed in the table above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter was not covered in this review, a prior completed review, or the investigation, but the producer was covered, the cash deposit rate will be the rate established in the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 27.04 percent *ad valorem,* the all-others rate established in the investigation in this proceeding.[11] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant POR entries. 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 Regarding Administrative Protective Orders

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

Notification to Interested Parties

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

Dated: February 16, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Sections in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Changes Since the Preliminary Results
V. Discussion of the Issues
  Comment 1: Section 232 Duties
  Comment 2: Noksel's Duty Drawback Adjustment
  Comment 3: Surrogate Costs for Products Sold but Not Produced During the Period of Review
  Comment 4: Noksel's Movement Expenses
  Comment 5: Theoretical Quantities to Index Costs
VI. Recommendation

[FR Doc. 2021–03788 Filed 2–23–21; 8:45 am]

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[8] In these final results, Commerce applied the assessment rate calculation methodology 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).

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

[10] *See Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings,* 86 FR 3995 (January 15, 2021).

[11] *See Notice of Final Determination of Sales at Less Than Fair Value: Light-Walled Rectangular Pipe and Tube from Turkey,* 73 FR 19814 (April 11, 2008).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–878]

Stainless Steel Flanges From India: Preliminary Results of Countervailing Duty Administrative Review; 2018

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of stainless steel flanges (steel flanges) from India during the period of review,

January 23, 2018, through December 31, 2018. Interested parties are invited to comment on these preliminary results.

DATES: Applicable February 24, 2021.

FOR FURTHER INFORMATION CONTACT: Eliza Siordia, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3878.

SUPPLEMENTARY INFORMATION:

Background

On December 11, 2019, Commerce published a notice of initiation of an administrative review of the countervailing duty order on steel flanges from India.[1] On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[2] On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.[3] On October 1, 2020, Commerce extended the deadline for issuing the preliminary results of this review.[4] The revised deadline for these preliminary results is now February 17, 2021.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[5] A list of topics discussed in the Preliminary Decision Memorandum is included at Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov*. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The products covered by the order are stainless steel flanges from India. For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a financial contribution that gives rise to a benefit to the recipient, and the subsidy is specific.[6] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Companies Not Selected for Individual Review

For the companies not selected for individual review, because the rates calculated for Chandan Steel Limited (Chandan) and Kisaan Die Tech Pvt Ltd. (Kisaan) were above *de minimis* and not based entirely on facts available, we applied a subsidy rate based on a weighted-average of the subsidy rates calculated for Chandan and Kisaan using publicly-ranged sales data submitted by respondents.[7]

Preliminary Results of Review

For the period January 23, 2018, through December 31, 2018, we preliminarily find that the following net subsidy ratesexist:

Company	Subsidy rate (percent *ad valorem*)
Chandan Steel Limited	4.15
Kisaan Die Tech Pvt. Ltd	4.51
Non-Selected Companies Under Review[8]	4.22

Assessment Rate

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

Cash Deposit Rate

Pursuant to section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts indicated above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[9] Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results. Rebuttal comments (rebuttal briefs), limited to issues raised in case briefs, are due within seven days after the time limit for filing case briefs.[10] Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[11] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[12]

Interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 67712 (December 11, 2019), as corrected by *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 83 FR 3014 (January 17, 2020).

[2] *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.

[3] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[4] *See* Memorandum, ''Stainless Steel Flanges from India: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review, 2018,'' dated October 1, 2020.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Countervailing Duty Administrative Review: Stainless Steel Flanges from India, 2018,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

[7] *See* Memorandum, ''Calculation of Subsidy Rate for Non-Selected Companies Under Review,'' dated February 17, 2021.

[8] *See* Appendix II for a list of the companies not selected for individual examination.

[9] *See* 19 CFR 351.224(b).

[10] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

[11] *See* 19 CFR 351.309(c)(2) and 351.309(d)(2).

[12] *See Temporary Rule.*

Assistant Secretary for Enforcement and Compliance using Enforcement and Compliance's ACCESS system.[13] Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.[14] If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm the date and time of the hearing two days before the scheduled date. Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS and received successfully in their entirety by 5:00 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

Notification to Interested Parties

This administrative review and notice are in issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: February 17, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Period of Review
V. Rate for Non-Examined Companies
VI. Subsidies Valuation Information
VII. Benchmarks and Discount Rates
VIII. Use of Facts Otherwise Available and Application of Adverse Inferences
IX. Analysis of Programs
X. Recommendation

Appendix II

List of Non-Selected Companies

Arien Global
Armstrong International Pvt. Ltd.
Avinimetal
Balkrishna Steel Forge Pvt. Ltd.
Bebitz Flanges Works Private Limited also known as Bebitz Flanges Works
Bee Gee Enterprises
Bsl Freight Solutions Pvt., Ltd.
CD Industries (Prop. Kisaan Engineering Works Pvt. Ltd.)
Cipriani Harrison Valves Pvt. Ltd.
CTL Logistics (India) Pvt. Ltd.
Echjay Forgings Private Limited
Fivebros Forgings Pvt. Ltd.
Fluid Controls Pvt. Ltd.
Geodis Oversea Pvt., Ltd.
Globelink WW India Pvt., Ltd.
Goodluck India Ltd.
Hilton Metal Forging Limited
Jai Auto Pvt. Ltd.
Jay Jagdamba Forgings Private Limited
Jay Jagdamba Ltd.
Jay Jagdamba Limited
Jay Jagdamba Profile Private Limited
Kunj Forgings Pvt. Ltd.
Montane Shipping Pvt., Ltd.
Noble Shipping Pvt. Ltd.
Paramount Forge
Pashupati Tradex Pvt., Ltd.
Peekay Steel Castings Pvt. Ltd.
Pradeep Metals Limited
Pradeep Metals Ltd.
RD Forge Pvt., Ltd.
Rolex Fittings India Pvt. Ltd.
Rollwell Forge Pvt. Ltd.
Safewater Lines (I) Pvt. Ltd.
Saini Flange Pvt. Ltd.
SAR Transport Systems
Shilpan Steelcast Pvt. Ltd.
Shree Jay Jagdamba Flanges Private Limited
Shree Jay Jagdamba Flanges Pvt. Ltd.
Teamglobal Logistics Pvt. Ltd.
Technical Products Corporation
Technocraft Industries India Ltd.
Transworld Global
VEEYES Engineering Pvt. Ltd.
Vishal Shipping Agencies Pvt. Ltd.
Yusen Logistics (India) Pvt. Ltd.

[FR Doc. 2021–03781 Filed 2–23–21; 8:45 am]

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[13] *See* 19 CFR 351.310(c).

[14] *See* 19 CFR 351.310.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–877]

Stainless Steel Flanges From India: Preliminary Results 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 producers/exporters of stainless steel flanges from India made sales of subject merchandise at prices below normal value during the period of review (POR), March 28, 2018, through September 30, 2019. We invite interested parties to comment on these preliminary results.

DATES: Effective February 24, 2021.

FOR FURTHER INFORMATION CONTACT: Benito Ballesteros, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7425.

SUPPLEMENTARY INFORMATION:

Background

On October 9, 2018, Commerce published the *Order* in the **Federal Register**.[1] On December 11, 2019, based on timely requests for review, in accordance with 19 CFR 351.221(c)(i), Commerce published the notice of initiation of this administrative review.[2] Commerce selected Chandan Steel Limited (Chandan) as the mandatory respondent in this review.[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 of the preliminary results of review by 59 days, until December 18, 2020, in accordance with 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act).[6] On December 7, 2020, in accordance with section 751(a)(3)(A) of the Act, Commerce extended the deadline for the preliminary results by an additional 61 days, until February 17, 2021.[7]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[8] The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized

[1] *See Stainless Steel Flanges from India: Antidumping Duty Order,* 83 FR 50639 (October 9, 2018) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 67712 (December 11, 2019) (*Initiation Notice*).

[3] *See* Memorandum, ''Antidumping Duty Administrative Review of Stainless Steel Flanges from India, 2018–2019: Respondent Selection,'' dated March 13, 2020.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operation 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, ''Stainless Steel Flanges from India: Extension of Deadline for Preliminary Results of 2018–2019 Antidumping Administrative Review,'' dated October 1, 2020.

[7] *See* Memorandum, ''Stainless Steel Flanges from India: Extension of Deadline for Preliminary Results of 2018–2019 Antidumping Duty Administrative Review,'' dated December 7, 2020.

[8] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Flanges from India; 2018–2019,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum is available at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The products covered by the *Order* are stainless steel flanges from India. For a complete description of the scope, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Pursuant to section 776(a) of the Act, Commerce is preliminarily relying upon facts otherwise available to assign a dumping margin to Chandan because the company withheld necessary information that was requested by Commerce and failed to timely provide information in the form requested, thereby significantly impeding this review. Further, Commerce preliminarily determines that Chandan failed to cooperate by not acting to the best of its ability to comply with requests for information and, thus, Commerce is applying an adverse inference in selecting among the facts available, in accordance with section 776(b) of the Act. For a full description of the methodology underlying our conclusions regarding the application of adverse facts available (AFA), *see* the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice.

Rate for Non-Selected Companies

The Act and Commerce's regulations do not address the rate to be applied to companies not selected for examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act for guidance when assigning a rate to companies not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.'' Under section 735(c)(5)(B) of the Act, if the estimated dumping margins established for all exporters and producers individually investigated are zero or *de minimis* margins, or are determined entirely under section 776, the administering authority may use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the dumping margins determined for the exporters and producers individually investigated.

In this review, we have preliminarily assigned a dumping margin to Chandan that is determined entirely on the basis of AFA. In accordance with the U.S. Court of Appeals for the Federal Circuit's decision in *Albemarle,*[9] Commerce has preliminarily assigned to the companies not individually examined (*see* Appendix II for a full list of these companies) a margin of 145.25 percent, which is the dumping margin assigned to Chandan in these preliminary results of review.[10]

Preliminary Results of the Review

We preliminarily determine that the following dumping margins exist for the period March 28, 2018, through September 30, 2019:

Exporter/producer	Dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)[11]
Chandan Steel Limited	145.25	140.38
Companies Not Individually Examined (excluding Bebitz Flanges Works Private Limited)[12]	145.25	140.38
Bebitz Flanges Works Private Limited	145.25	145.25

Disclosure and Public Comment

Normally, Commerce discloses the calculations performed in connection with preliminary results to interested parties within five days after the date of public announcement or publication of this notice.[13] Because Commerce preliminarily applied a rate based on total AFA to the mandatory respondent in this review, in accordance with section 776 of the Act, there are no calculations to disclose.

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[14]

Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issues, (2) a brief summary of the argument, and (3) a table of authorities.[15] Executive summaries should be limited to five pages total, including footnotes. Case and rebuttal briefs should be filed using ACCESS.[16]

[9] *See Albemarle Corp.* v. *United States,* 821 F. 3d 1345 (Fed. Cir. 2016) (*Albemarle*).

[10] *See, e.g., Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017–2018,* 84 FR 64455 (November 22, 2019) (applying a rate based on the mandatory respondent's total AFA rate to the companies not selected for individual examination); *see also Certain Steel Nails from Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2018–2019,* 85 FR 19138 (April 6, 2020) (applying a rate based on an the mandatory respondents' total AFA rates to the companies not selected for individual examination), unchanged in *Certain Steel Nails from Taiwan: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019,* 85 FR 76014 (November 27, 2020).

[11] *See Order,* 83 FR at 50640.

[12] *See* Appendix II.

[13] *See* 19 CFR 351.224(b).

[14] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006, 17007 (March 26, 2020) (''To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect)''); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[15] *See* 19 CFR 351.303 (for general filing requirements).

[16] *See generally* 19 CFR 351.303.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed via ACCESS, within 30 days after the date of publication of this notice. An electronically-filed request must be received successfully in its entirety by 5:00 p.m. Eastern Time within 30 days of 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. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.

Assessment Rates

Upon issuance of the final results of this review, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

If these preliminary results are unchanged for the final results, we will instruct CBP to apply an *ad valorem* assessment rate of equal to the dumping margins stated above, adjusted for subsidy offsets to all entries of subject merchandise during the POR which were produced and/or exported by Chandan or exported by the companies which were not selected for individual examination. We intend to instruct CBP to take into account the ''provisional measures deposit cap,'' in accordance with 19 CFR 351.212(d).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Chandan and the companies not individually examined will be equal to the rate established for Chandan in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered by this review but covered by 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; (3) if the exporter is not a firm covered by this review, a prior review, or the original investigation but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 14.29 percent, adjusted for subsidy offsets,[17] the all-others rate established in the less-than-fair-value investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include our analysis of the issues raised in any case and rebuttal briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice 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 POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

The preliminary results of this administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: February 17, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Use of Facts Available and Adverse Inferences
V. Rate for Non-Selected Companies
VI. Recommendation

Appendix II

List of Non-Selected Companies

1. Arien Global
2. Armstrong International Pvt. Ltd
3. Avinimetal
4. Balkrishna Steel Forge Pvt. Ltd
5. Bebitz Flanges Works Private Limited
6. Bee Gee Enterprises
7. Bsl Freight Solutions Pvt., Ltd
8. CD Industries (Prop. Kisaan Engineering Works Pvt. Ltd)
9. Cipriani Harrison Valves Pvt. Ltd
10. CTL Logistics (India) Pvt. Ltd
11. Echjay Forgings Private Ltd [18]
12. Fivebros Forgings Pvt. Ltd
13. Fluid Controls Pvt. Ltd
14. Geodis Oversea Pvt., Ltd
15. Globelink WW India Pvt., Ltd
16. Goodluck India Ltd
17. Hilton Metal Forging Limited
18. Jai Auto Pvt. Ltd
19. Jay Jagdamba Forgings Private Limited
20. Jay Jagdamba Limited [19]
21. Jay Jagdamba Profile Private Limited
22. Kisaan Die Tech
23. Kunj Forgings Pvt. Ltd
24. Montane Shipping Pvt., Ltd
25. Noble Shipping Pvt. Ltd
26. Paramount Forge
27. Pashupati Tradex Pvt., Ltd
28. Peekay Steel Castings Pvt. Ltd
29. Pradeep Metals Ltd
30. R D Forge Pvt., Ltd
31. Rolex Fittings India Pvt. Ltd
32. Rollwell Forge Pvt. Ltd
33. Safewater Lines (I) Pvt. Ltd
34. Saini Flange Pvt. Ltd
35. SAR Transport Systems
36. Shilpan Steelcast Pvt. Ltd
37. Shree Jay Jagdamba Flanges Pvt. Ltd
38. Teamglobal Logistics Pvt. Ltd
39. Technical Products Corporation
40. Technocraft Industries India Ltd
41. Transworld Global
42. VEEYES Engineering Pvt. Ltd
43. Vishal Shipping Agencies Pvt. Ltd
44. Yusen Logistics (India) Pvt. Ltd

[FR Doc. 2021–03787 Filed 2–23–21; 8:45 am]

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[17] *See Order,* 83 FR at 50639.

[18] In the *Initiation Notice,* this company also appeared as ''Echjay Forgings Private Limited.'' *See Initiation Notice,* 84 FR at 67714.

[19] In the *Initiation Notice,* this company also appeared as ''Jay Jagdamba Ltd.'' *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar From India: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that the sole mandatory respondent subject to this review made sales of stainless steel bar (SS Bar) from India below normal value during the period of review (POR) February 1, 2019, through January 31, 2020. We invite interested parties to comment on these preliminary results.

DATES: Applicable February 24, 2021.

FOR FURTHER INFORMATION CONTACT: William Langley, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3861.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty (AD) order of SS Bar from India. The notice of initiation was published on April 8, 2020.[1] This review covers Precision Metals, and its affiliated companies including Hindustan Inox, Precision Metals and Sieves Manufacturers (India) Pvt. Ltd. (collectively, the Venus Group), and Ambica Steels Limited (Ambica), producers and exporters of the subject merchandise. On June 2, 2019, Commerce selected the Venus Group as the sole mandatory respondent for this review.[2] On April 24, 2020, Commerce uniformly tolled deadlines for all AD and countervailing duty (CVD) administrative reviews by 50 days [3] and, on July 21, 2020, we uniformly tolled deadlines for all AD and CVD administrative reviews by an additional 60 days, thereby extending the deadline for these preliminary results until February 18, 2021.[4]

Scope of the Order

The product covered by this review is SS bar from India. For a complete description of the scope, *see* the Preliminary Decision Memorandum.[5]

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Pursuant to sections 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available with adverse inferences (AFA) for the Venus Group, because this respondent withheld information requested by Commerce and failed to provide such information by the deadlines set by Commerce.

For a full description of the methodology and analysis underlying the preliminary application of AFA, *see* the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Rate for Non-Selected Company

In accordance with the U.S. Court of Appeals for the Federal Circuit's decision in *Albermarle,*[6] we are applying a rate based on the rate calculated for Ambica in the 2018–2019 administrative review (*i.e.,* 0.00) to the only company not selected for individual examination, Ambica. In this review, we find this rate is reasonably reflective of Ambica's potential dumping margin, and thus, it is appropriate to apply this rate to the non-selected company, Ambica, under section 735(c)(5)(B) of the Act. For a detailed discussion, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of our review, we preliminarily determine the following weighted-average dumping margin for the period Febuary 1, 2019, through January 31, 2020:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Precision Metals, and its affiliated companies including Hindustan Inox, Precision Metals and Sieves Manufacturers (India) Pvt. Ltd	30.92
Ambica Steels Limited	0.00

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[7] 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.[8] If the preliminary results are unchanged for the final results, we will instruct CBP to apply an *ad valorem* assessment rate of 30.92 percent to all entries of subject merchandise during the POR from the Venus Group and Ambica.

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

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments SS Bar from India entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review in the **Federal Register**, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the company under review will be the rate established in the final results of this review (except, if the rate is zero or *de minimis,* no cash deposit will be required); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 19730 (April 8, 2020).

[2] *See* Memorandum, ''Antidumping Duty Administrative Review Stainless Steel Bar from India 2019–2020; Respondent Selection'' dated June 2, 2020.

[3] *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.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[5] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Bar from India,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See Albemarle Corp.* v. *United States,* 821 F. 3d 1345 (Fed. Cir. 2016).

[7] *See* 19 CFR 351.212(b).

[8] *See* section 751(a)(2)(C) of the Act.

fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 12.45, the all-others rate established in the LTFV investigation.[9] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Normally, Commerce discloses to interested parties the calculations performed in connection with the preliminary results within five days of the date of publication of the notice of preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, there are no calculations to disclose here because, in accordance with section 776 of the Act, Commerce preliminarily applied AFA to the Venus Group, the only mandatory respondent selected in this review.

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.[10] Parties who submit case 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.[11] Case and rebuttal briefs should be filed using ACCESS.[12] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. Eastern Time 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. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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 double antidumping duties.

Notification to Interested Parties

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: February 18, 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. Application of Facts Available and Adverse Inferences
V. Recommendation

[FR Doc. 2021–03780 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from India,* 59 FR 66915, 66921 (December 28, 1994).

[10] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[11] *See* 19 CFR 351.309(c)(2) and (d)(2).

[12] *See generally* 19 CFR 351.303.

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

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA861]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public online workshop.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) and the NMFS Northwest and Southwest Fisheries Science Centers will hold an online workshop to review data and analyses proposed to inform new assessments for lingcod and vermilion/sunset rockfishes scheduled to be conducted this year. The workshop is open to the public.

DATES: The pre-assessment workshop will be held Monday, March 29, 2021, beginning at 1 p.m., Pacific Daylight Time and continuing until business for the day has been completed, no later than 4 p.m.

ADDRESSES: The pre-assessment workshop will be an online meeting. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, Staff Officer, Pacific Fishery Management Council; telephone: (503) 820–2413.

SUPPLEMENTARY INFORMATION: The purpose of the pre-assessment workshop is to review data and analyses proposed to inform 2021 assessments for lingcod and vermilion/sunset rockfishes. Stock assessment teams will solicit advice from data stewards, stakeholders, and fishery managers knowledgeable about these stocks and these data to prepare for these assessments.

No management actions will be decided by the workshop participants. The participants' role will be development of recommendations for consideration by the stock assessment teams assigned to conduct these assessments. Assessments for these stocks are tentatively scheduled for peer review in July 2021 Stock Assessment Review (STAR) panels (July 12–16 for lingcod and July 26–30 for vermilion/sunset rockfishes). The Pacific Council and the Pacific Council's Scientific and Statistical Committee are scheduled to consider these draft assessments for use in informing management decisions at their September 2021 meeting.

Although non-emergency issues not contained in the meeting agendas may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to

those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent of the workshop participants to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2412 at least 10 days prior to the meeting date.

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

Dated: February 19, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–03822 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA894]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC's) Northeast Trawl Advisory Panel (NTAP) will hold a public meeting.

DATES: The meeting will be held on Friday, March 19, 2021, from 1 p.m. to 4 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meeting will be held via webinar, which can be accessed at: *http://mafmc.adobeconnect.com/ntap_mar_2021/.* Meeting audio can also be accessed via telephone by dialing 1–800–832–0736 and entering room number 5068609.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for the Advisory Panel to discuss (1) the last NTAP research vote, (2) revisions to the NTAP charter, and (3) other business.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Collins at the Mid-Atlantic Council Office, (302) 526–5253, at least 5 days prior to the meeting date.

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

Dated: February 19, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–03820 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA860]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene a webinar meeting of its Groundfish Management Team (GMT) to discuss items on the Pacific Council's April 2021 meeting agenda. This meeting is open to the public.

DATES: The online meeting will be held Friday, March 26, 2021, from 8 a.m. to 12 p.m., Pacific Daylight Time. The scheduled ending time for this GMT meeting is an estimate, the meeting will adjourn when business for the day is completed.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Todd Phillips, Staff Officer, Pacific Council; telephone: (503) 820–2426; email: *todd.phillips@noaa.gov*

SUPPLEMENTARY INFORMATION: The primary purpose of the GMT webinar is to prepare for the Pacific Council's April 2021 agenda items. The GMT will discuss items related to groundfish management and administrative Pacific Council agenda items and may discuss ecosystem matters. A detailed agenda for the webinar will be available on the Pacific Council's website prior to the meeting. The GMT may also address other assignments relating to groundfish management. No management actions will be decided by the GMT.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: February 19, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–03828 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA804]

Marianas Trench Marine National Monument; Monument Management Plan

AGENCY: Fish and Wildlife Service (FWS), Interior; National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability; request for comments.

SUMMARY: The FWS and NOAA announce the availability of a draft monument management plan (MMP) for the Marianas Trench Marine National Monument (Monument). The draft MMP describes proposed goals, objectives, and strategies for managing the Monument over a 15-year period.

DATES: We must receive comments by May 25, 2021.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2021–0003, by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov/docket/NOAA-NMFS-2021-0003,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Send written comments to Superintendent, Marianas Trench Marine National Monument, P.O. Box 8134, MOU–3, Dededo, GU 96912.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted 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 will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

The draft MMP includes an environmental assessment (EA) of the potential impacts of the MMP on the human environment. You may review the draft MMP and EA at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Tammy Summers, FWS, (671) 355–5096, or Heidi Hirsh, NOAA, (808) 725–5016.

SUPPLEMENTARY INFORMATION: The Monument was established by Presidential Proclamation 8335 (January 12, 2009, 74 FR 1557). The Secretaries of the Interior and Commerce share responsibility for managing the Monument, and the Proclamation requires the Secretaries of the Interior and Commerce to prepare management plans and promulgate implementing regulations that address specific actions necessary for the proper care and management of the Monument.

This draft MMP includes elements similar to a National Wildlife Refuge System Comprehensive Conservation Plan (CCP), and we are conducting the planning process for those elements in a manner similar to the CCP planning and public involvement process. The National Wildlife Refuge System Administration Act of 1966 (Refuge Administration Act, 16 U.S.C. 668dd–668ee), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires the FWS to develop a CCP for each national wildlife refuge. This draft MMP would incorporate CCP requirements and would define each agency's management roles and responsibilities.

The draft MMP lays out the goals, objectives, and proposed management activities for the next 15 years, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and consistent with FWS and NOAA policies. The draft MMP includes an environmental assessment to evaluate the potential environmental impacts of implementing the MMP. The FWS and NOAA would review and update the MMP at least every 15 years, in accordance with the Refuge Administration Act.

More information about the Monument's history, wildlife, and habitats is available in a Notice of Intent published on April 5, 2011 (76 FR 18773).

The FWS and NOAA seek comments on the draft MMP and EA. We will consider comments received when deciding whether to approve or modify the MMP.

Dated: February 18, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–03642 Filed 2–23–21; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA852]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys Off of Delaware

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from Skipjack Offshore Energy, LLC (Skipjack) for authorization to take marine mammals incidental to marine site characterization surveys offshore of Delaware in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS–A 0519) and along potential submarine cable routes to a landfall location in Delaware. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in *Request for Public Comments* at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than March 26, 2021.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Written comments should be submitted via email to *ITP.Pauline@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at *www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Robert Pauline, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case

of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which NMFS have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

NMFS will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On August 12, 2020, NMFS received a request from Skipjack for an IHA to take marine mammals incidental to marine site characterization surveys offshore of Delaware in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS–A 0519) and along potential submarine cable routes to a landfall location in Delaware. Revised versions of the application were received on September 21, 2020 and November 5, 2020. The application was deemed adequate and complete on December 12, 2020. Skipjack's request is for take of a small number of 16 species of marine mammals by Level B harassment only. Neither Skipjack nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued an IHA to Skipjack for similar work in the same geographic area on December 3, 2019 (84 FR 66156) with effectives dates from November 26, 2019 through November 25, 2020. Skipjack complied with all the requirements (*e.g.,* mitigation, monitoring, and reporting) of the previous IHA and given the similarity in activities and location, relevant information regarding their previous marine mammal monitoring results may be found in the Estimated Take section.

Description of Proposed Activity

Overview

As part of its overall marine site characterization survey operations, Skipjack proposes to conduct high-resolution geophysical (HRG) surveys, in the area of Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf #OCS–A 0519 (Lease Area) and along potential submarine cable routes to landfall locations in Delaware.

The purpose of the marine site characterization surveys are to obtain a baseline assessment of seabed (geophysical, geotechnical, and geohazard), ecological, and archeological conditions within the footprint of offshore wind facility development. Surveys are also conducted to support engineering design and to map Unexploded Ordinances (UXO survey). Underwater sound resulting from Skipjack's proposed site characterization survey activities, specifically HRG surveys have the potential to result in incidental take of marine mammals in the form of behavioral harassment.

Dates and Duration

The estimated duration of HRG survey activity is expected to be up to 200 survey days over the course of a single year. Skipjack proposes to start survey activity in April 2021. The IHA would be effective for one year from the date of issuance. This schedule is based on 24-hour operations and includes potential down time due to inclement weather.

Specific Geographic Region

The proposed survey activities will occur within the Project Area which includes the Lease Area and along potential submarine cable routes to landfall locations in the state of Delaware, as shown in Figure 1. The Lease Area is approximately 284 square kilometers (km^2) and is within the Delaware Wind Energy Area (WEA) of the Bureau of Ocean Energy Management (BOEM) Mid-Atlantic planning area. Water depths in the Lease Area range from 15 meters (m) to 40 m. Water depths in the submarine cable area extend from the shoreline to approximately 40 m.

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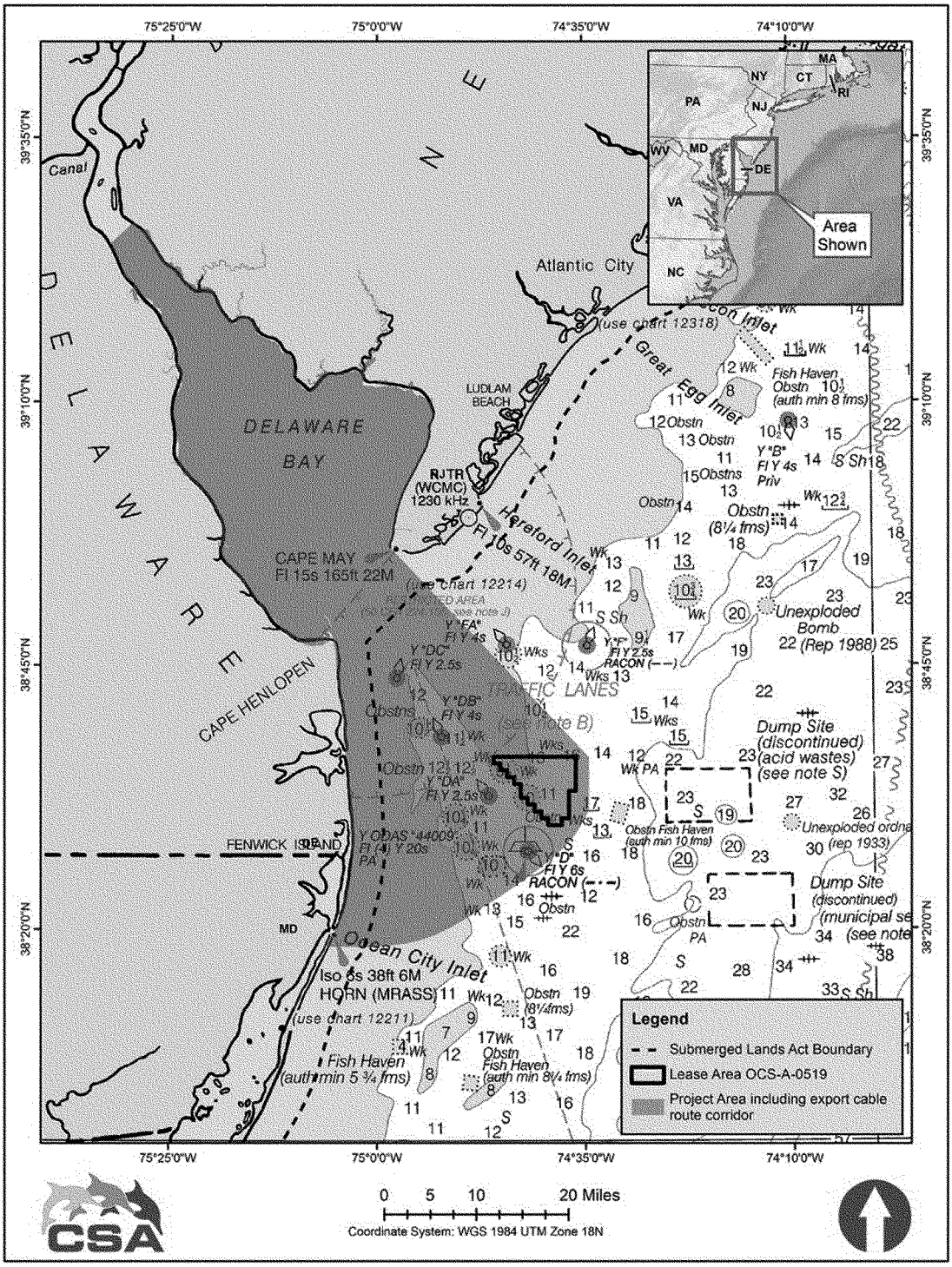

Figure 1—Project Area for the site characterization surveys which include the Lease Area and the potential submarine cable route area.

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Detailed Description of Specific Activity

Skipjack has proposed that survey operations, including HRG survey activities operations would be conducted continuously 24 hours per day. Based on 24-hour operations, the estimated duration of the HRG survey activities would be approximately 200 days (including estimated weather down time). As many as four vessels may be engaged in HRG surveying activities during Skipjack's overall site characterization efforts with up to two working concurrently in the Lease Area or along the submarine cable route (*e.g.,* two vessels in the Lease Area; one vessel in the general area and one vessel on the portion of the submarine cable route within the area; two vessels on the submarine cable route outside of the

area). Vessels working in shallow or very shallow waters would only operate during daylight hours. Vessels would be at least one kilometer (km) apart at all times. Vessels would maintain a speed of approximately 4 knots (kn) while transiting survey lines and cover approximately 70 km per day. The daily distance surveyed could be more or less than this based on weather and other factors, but an average of 70 km per day is assumed in estimating the total number of survey days and in estimating the daily ensonified area (see Estimated Take). Impulsive sources (*e.g.,* sparker systems) would be utilized for 50 survey days while the non-impulsive sources (*e.g.,* sub-bottom profilers (SBPs)) would be used for the remaining 150 days. See following discussion and Table 1. The survey activities proposed by Skipjack with acoustic source types that could result in take of marine mammals include the following:

- Shallow penetration, non-impulsive, non-parametric sub-bottom profilers (SBPs, also known as CHIRPs) are used to map the near-surface stratigraphy (top 0 to 10 m) of sediment below seabed. A CHIRP system emits signals covering a frequency sweep from approximately 2 to 20 kHz over time. The frequency range can be adjusted to meet project variables.
- Medium penetration, impulsive sources (boomers, sparkers) are used to map deeper subsurface stratigraphy as needed. A boomer is a broad-band sound source operating in the 3.5 Hz to 10 kHz frequency range. Sparkers are used to map deeper subsurface stratigraphy as needed. Sparkers create acoustic pulses from 50 Hz to 4 kHz omni-directionally from the source.

Operation of the following survey equipment types is not reasonably expected to result in take of marine mammals and will not be carried forward in the application analysis beyond the brief summaries provided below.

- Non-impulsive, parametric SBPs are used for providing high data density in sub-bottom profiles that are typically required for cable routes, very shallow water, and archaeological surveys. The narrow beamwidth (1° to 3.5°) significantly reduces the impact range of the source while the high frequencies of the source are rapidly attenuated in sea water. Because of the high frequency of the source and narrow bandwidth, parametric SBPs do not produce Level B harassment isopleths beyond 4 m. No Level B harassment exposures can be reasonably expected from the operation of these sources.
- Acoustic corers, unlike the other mobile geophysical sources, are stationary and made up of three distinct sound sources comprised of a HF parametric sonar (which will not be included in this assessment), a HF CHIRP sonar, and a LF CHIRP sonar with each source having its own transducer. The corer is seabed-mounted; therefore, propagation for similar towed equipment is unlikely to be fully comparable. The beam width of the parametric sonar is narrow (3.5° to 8°) and the sonar is operated roughly 3.5 m above the seabed with the transducer pointed directly downward. No take is expected to result from use of these highly directional, seabed-mounted sources.
- Ultra-short baseline (USBL) positioning systems are used to provide high accuracy ranges by measuring the time between the acoustic pulses transmitted by the vessel transceiver and a transponder (or beacon) necessary to produce the acoustic profile. USBLs have been shown to produce extremely small acoustic propagation distances in their typical operating configuration. Based on this information, no Level B harassment exposures can be reasonably expected from the operation of these sources.
- Multibeam echosounders (MBESs) are used to determine water depths and general bottom topography. The proposed MBESs all have operating frequencies >180 kHz, they are outside the general hearing range of marine mammals likely to occur in the Project Area and are not likely to affect these species.
- Side scan sonars (SSS) are used for seabed sediment classification purposes and to identify natural and man-made acoustic targets on the seafloor. The proposed SSSs all have operating frequencies >180 kHz, they are outside the general hearing range of marine mammals likely to occur in the Project Area and are not likely to affect these species.

Table 1 identifies all the representative survey equipment that operate below 180 kHz (*i.e.,* at frequencies that are audible to and therefore may be detected by marine mammals) that may be used in support of planned HRG survey activities, some of which have the expected potential to result in exposure of marine mammals. The make and model of the listed geophysical equipment may vary depending on availability and the final equipment choices will vary depending upon the final survey design, vessel availability, and survey contractor selection.

TABLE 1—SUMMARY OF REPRESENTATIVE HRG EQUIPMENT

Equipment	Acoustic source type	Operating frequency (kHz)	SL_{rms} (dB re 1 μPa m)	$SL_{0\text{-}pk}$ (dB re 1 μPa m)	Pulse duration (width) (millisecond)	Repetition rate (Hz)	Beamwidth (degrees)	CF = Crocker and Fratantonio (2016) MAN = Manufacturer
Non-Impulsive, Non-Parametric, Shallow Sub-Bottom Profilers (CHIRP Sonars)								
ET 216 (2000DS or 3200 top unit).	Non-impulsive, mobile, intermittent.	2–16 2–8	195	.....	20	6	24	MAN.
ET 424	Non-impulsive, mobile, intermittent.	4–24	176	.....	3.4	2	71	CF.
ET 512	Non-impulsive, mobile, intermittent.	0.7–12	179	.....	9	8	80	CF.
GeoPulse 5430A	Non-impulsive, mobile, intermittent.	2–17	196	.....	50	10	55	MAN.
Teledyne Benthos Chirp III—TTV 170.	Non-impulsive, mobile, intermittent.	2–7	197	.....	60	15	100	MAN.

TABLE 1—SUMMARY OF REPRESENTATIVE HRG EQUIPMENT—Continued

Equipment	Acoustic source type	Operating frequency (kHz)	SL_{rms} (dB re 1 μPa m)	$SL_{0\text{-}pk}$ (dB re 1 μPa m)	Pulse duration (width) (millisecond)	Repetition rate (Hz)	Beamwidth (degrees)	CF = Crocker and Fratantonio (2016) MAN = Manufacturer
Impulsive, Medium Sub-Bottom Profilers (Sparkers & Boomers)								
AA, Dura-spark UHD (400 tips, 500 J) [2].	Impulsive, mobile	0.3–1.2	203	211	1.1	4	Omni	CF.
AA, Dura-spark UHD (400+400) [2].	Impulsive, mobile	0.3–1.2	203	211	1.1	4	Omni	CF (AA Dura-spark UHD Proxy).
GeoMarine, Geo-Source dual 400 tip sparker (800 J) [2].	Impulsive, mobile	0.4–5	203	211	1.1	2	Omni	CF (AA Dura-spark UHD Proxy).
GeoMarine Geo-Source 200 tip sparker (400 J) [2].	Impulsive, mobile	0.3–1.2	203	211	1.1	4	Omni	CF (AA Dura-spark UHD Proxy).
GeoMarine Geo-Source 200–400 tip sparker (400 J) [2].	Impulsive, mobile	0.3–1.2	203	211	1.1	4	Omni	CF (AA Dura-spark UHD Proxy).
AA, triple plate S-Boom (700–1,000 J) [3].	Impulsive, mobile	0.1–5	205	211	0.6	4	80	CF.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*).

Table 2 lists all species or stocks for which take is expected and proposed to be authorized for this action, and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. For taxonomy, NMFS follows the Committee on Taxonomy (2020). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Atlantic and Gulf of Mexico SARs. All values presented in Table 2 are the most recent available at the time of publication and are available in the 2020 SARs (Hayes *et al.,* 2020) and draft 2021 SARS available at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports.*

TABLE 2—MARINE MAMMAL SPECIES LIKELY TO OCCUR NEAR THE PROJECT AREA THAT MAY BE AFFECTED BY SKIPJACK'S ACTIVITY

Common name	Scientific name	Stock	ESA/MMPA status; Strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Balaenidae:						
North Atlantic right whale	*Eubalaena glacialis*	Western North Atlantic	E/D; Y	412 (0; 408; 2018)	0.8	18.6
Family Balaenopteridae (rorquals):						
Humpback whale	*Megaptera novaeangliae*	Gulf of Maine	-/-; Y	1,393 (0; 1,375; 2016)	22	58
Fin whale	*Balaenoptera physalus*	Western North Atlantic	E/D; Y	6,802 (0.24; 5,573; 2016)	11	2.35
Sei whale	*Balaenoptera borealis*	Nova Scotia	E/D; Y	6,292 (1.015; 3,098; see SAR).	6.2	1.2
Minke whale	*Balaenoptera acutorostrata*	Canadian East Coast	-/-; N	21,968 (0.31; 17,002; 2016)	170	10.6
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Physeteridae:						
Sperm whale	*Physeter macrocephalus*	NA	E; Y	4,349 (0.28;3,451; See SAR)	3.9	0
Family Delphinidae:						
Long-finned pilot whale	*Globicephala melas*	Western North Atlantic	-/-; N	39,215 (0.30; 30,627; See SAR).	306	21
Short finned pilot whale	*Globicephala macrorhynchus*	Western North Atlantic	-/-;Y	28,924 (0.24; 23,637; See SAR).	236	160

TABLE 2—MARINE MAMMAL SPECIES LIKELY TO OCCUR NEAR THE PROJECT AREA THAT MAY BE AFFECTED BY SKIPJACK'S ACTIVITY—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; Strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Bottlenose dolphin	*Tursiops truncatus*	Western North Atlantic Offshore.	-/-; N	62,851 (0.23; 51,914; See SAR).	519	28
		W.N.A. Northern Migratory Coastal.	-/-;Y	6,639 (0.41,4 ,759, 2016)	48	12.2–21.5
Common dolphin	*Delphinus delphis*	Western North Atlantic	-/-; N	172,897 (0.21; 145,216; 2016).	1,452	399
Atlantic white-sided dolphin.	*Lagenorhynchus acutus*	Western North Atlantic	-/-; N	93,233 (0.71; 54,443; See SAR).	544	26
Atlantic spotted dolphin	*Stenella frontalis*	Western North Atlantic	-/-; N	39,921 (0.27; 32,032; 2012)	320	0
Risso's dolphin	*Grampus griseus*	Western North Atlantic	-/-; N	35,493 (0.19; 30,289; See SAR).	303	54.3
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena phocoena*	Gulf of Maine/Bay of Fundy	-/-; N	95,543 (0.31; 74,034; See SAR).	851	217
Order Carnivora—Superfamily Pinnipedia						
Family Phocidae (earless seals):						
Gray seal [4]	*Halichoerus grypus*	Western North Atlantic	-/-; N	27,131 (0.19; 23,158, 2016)	1,389	5,410
Harbor seal	*Phoca vitulina*	Western North Atlantic	-/-; N	75,834 (0.15; 66,884, 2018)	2,006	350

[1] ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/*marine-mammal-stock-assessment-reports-region. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[4] The NMFS stock abundance estimate applies to U.S. population only, however the actual stock abundance is approximately 451,431.

As indicated above, all 16 species (with 17 managed stocks) in Table 2 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur, and NMFS has proposed authorizing it.

North Atlantic Right Whale

The North Atlantic right whale ranges from calving grounds in the southeastern United States to feeding grounds in New England waters and into Canadian waters (Hayes *et al.,* 2020). NMFS *et al.* 2020 identified seven areas where Western North Atlantic right whale aggregate seasonally: The coastal waters of the southeastern United States, the Great South Channel, Jordan Basin, Georges Basin along the northeastern edge of Georges Bank, Cape Cod and Massachusetts Bays, the Bay of Fundy, and the Roseway Basin on the Scotian Shelf (Brown *et al.,* 2001; Cole *et al.,* 2013). Several of these congregation areas correlate with seasonally high copepod concentrations (Pendleton *et al.,* 2009). New England waters are a primary feeding habitat for North Atlantic right whales during late winter through spring, with feeding moving into deeper and more northerly waters during summer and fall. Less is known regarding winter distributions; however, it is understood that calving takes place during this time in coastal waters of the Southeastern United States.

Passive acoustic studies of North Atlantic right whales have demonstrated their year-round presence in the Gulf of Maine (Morano *et al.,* 2012; Bort *et al.,* 2015), New Jersey (Whitt *et al.,* 2013), and Virginia (Salisbury *et al.,* 2016). Additionally, North Atlantic right whales were acoustically detected off Georgia and North Carolina during 7 of the 11 months monitored (Hodge *et al.,* 2015). All of this work further demonstrates the highly mobile nature of North Atlantic right whales. Movements within and between habitats are extensive and the area off the Mid-Atlantic states is an important migratory corridor. While no critical habitat is listed within the Project Area, 11 North Atlantic right whales were identified in the Mid-Atlantic Baseline Studies (MABS) surveys conducted between 2012 and 2014 with a total of nine sightings occurring in February (n=5) and March (n=4) (Williams *et al.,* 2015a, b). Davis *et al.* (2017) recently examined detections from passive acoustic monitoring devices and documented a broad-scale use of much more of the U.S. eastern seaboard than was previously believed, and an apparent shift in habitat use patterns to the south of traditionally identified North Atlantic right whale congregations. Increased use of Cape Cod Bay and decreased use of the Great South Channel were also observed (Davis *et al.,* 2017).

Off the coast of New Jersey, North Atlantic right whales were acoustically detected in all seasons and visually observed in winter, spring, and summer during an environment baseline study (EBS) conducted by the New Jersey Department of Environmental Protection (NJDEP, 2010). The greatest number of acoustic detections occurred during April and May (Whitt *et al.,* 2013). Reports from the RWSAS for the Mid-Atlantic Region (New Jersey through Virginia) show 24 records off the coast of New Jersey since 2015: January (7), March (1), April (4), October (1) and December (11) (NOAA, 2019).

Elevated North Atlantic right whale mortalities have occurred since June 7, 2017 along the U.S. and Canadian coast. As of January 2021, a preliminary cumulative total number of animals in the North Atlantic right whale UME has been updated to 46 individuals to include both the confirmed mortalities (dead stranded or floaters) (n=32) and seriously injured free-swimming whales (n=14) to better reflect the confirmed number of whales likely removed from the population during the UME and

more accurately reflect the population impacts. A total of 32 confirmed dead stranded whales (21 in Canada; 11 in the United States) have been documented. This event has been declared an Unusual Mortality Event (UME), with human interactions, including entanglement in fixed fishing gear and vessel strikes, implicated in at least 15 of the mortalities thus far. More information is available online at: *www.fisheries.noaa.gov/national/marine-life-distress/2017-2021-north-atlantic-right-whale-unusual-mortality-event.*

The proposed survey area is part of a migratory corridor Biologically Important Area (BIA) for North Atlantic right whales (effective March–April and November–December) that extends from Massachusetts to Florida (LeBrecque et al., 2015). Off the coast of Delaware, migratory BIA extends from the coast to beyond the shelf break. This important migratory area is approximately 269,488 km² in size and is comprised of the waters of the continental shelf offshore the East Coast of the United States and extends from Florida through Massachusetts. For comparative purposes, the size of the Lease Area is 284 km². NMFS' regulations at 50 CFR part 224.105 designated nearshore waters of the Mid-Atlantic Bight as Mid-Atlantic U.S. Seasonal Management Areas (SMA) for right whales in 2008. SMAs were developed to reduce the threat of collisions between ships and right whales around their migratory route and calving grounds. A portion of one SMA, which occurs off the mouth of Delaware Bay, overlaps spatially with a section of the proposed survey area. The SMA which occurs off the mouth of Delaware Bay is active from November 1 through April 30 of each year.

Humpback Whale

Humpback whales are found worldwide in all oceans. Humpback whales were listed as endangered under the Endangered Species Conservation Act (ESCA) in June 1970. In 1973, the ESA replaced the ESCA, and humpbacks continued to be listed as endangered. NMFS recently evaluated the status of the species, and on September 8, 2016, NMFS divided the species into 14 distinct population segments (DPS), removed the current species-level listing, and in its place listed four DPSs as endangered and one DPS as threatened (81 FR 62259; September 8, 2016). The remaining nine DPSs were not listed. The West Indies DPS, which is not listed under the ESA, is the only DPS of humpback whale that is expected to occur in the Project Area.

Humpback whales have a global distribution and follow a migratory pattern of feeding in the high latitudes during summers and spending winters in the lower latitudes for calving and mating. The Gulf of Maine stock follows this pattern with winters spent in the Caribbean and West Indies, although acoustic recordings show a small number of males persisting in Stellwagen Bank throughout the year (Vu *et al.,* 2012). Barco et al. (2002) suggested that the mid-Atlantic region primarily represents a supplemental winter feeding ground used by humpbacks. However, with populations recovering, additional surveys that include photo identification and genetic sampling need to be conducted to determine which stocks are currently using the mid-Atlantic region.

Sightings of humpback whales in the Mid-Atlantic are common (Barco *et al.,* 2002), as are strandings (Wiley *et al.,* 1995). Barco *et al.* (2002) suggested that the Mid-Atlantic region primarily represents a supplemental winter feeding ground used by humpbacks. During the MABS surveys, a total of 13 humpback whales were recorded between 2012 and 2014: Eight during the winter, one during the summer, and four during the fall (Williams *et al.*, 2015a, b). There was a total of 17 groups sighted during the NJDEP EBS, nine of which occurred during winter months (Whitt *et al.*, 2015).

Since January 2016, elevated humpback whale mortalities have occurred along the Atlantic coast from Maine to Florida. Partial or full necropsy examinations have been conducted on approximately half of the 145 known cases. Of the whales examined, about 50 percent had evidence of human interaction, either ship strike or entanglement. While a portion of the whales have shown evidence of pre-mortem vessel strike, this finding is not consistent across all whales examined and more research is needed. NOAA is consulting with researchers that are conducting studies on the humpback whale populations, and these efforts may provide information on changes in whale distribution and habitat use that could provide additional insight into how these vessel interactions occurred. Three previous UMEs involving humpback whales have occurred since 2000, in 2003, 2005, and 2006. More information is available at: *www.fisheries.noaa.gov/national/marine-life-distress/2016-2021-humpback-whale-unusual-mortality-event-along-atlantic-coast.*

Fin Whale

Fin whales are common in waters of the U. S. Atlantic Exclusive Economic Zone (EEZ), principally from Cape Hatteras northward (Hayes *et al.,* 2020). Fin whales are present north of 35-degree latitude in every season and are broadly distributed throughout the western North Atlantic for most of the year, though densities vary seasonally (Hayes *et al.,* 2020). Fin whales accounted for 46 percent of the large whales sighted during aerial surveys along the continental shelf (CETAP, 1982) between Cape Hatteras and Nova Scotia from 1978 to 1982. Fin whales were also the most frequently sighted large whale species during the New Jersey Department of Environmental Protection (NJDEP) Ecological Baseline Studies (EBS) with 37 groups sighted throughout all seasons (Whitt *et al.,* 2015). The MABS surveys (Williams *et al.,* 2015a, b) reported two fin whales during the winter and two during the spring.

Fin whales are found in small groups of up to five individuals (Brueggeman *et al.,* 1987). The main threats to fin whales are fishery interactions and vessel collisions (Hayes *et al.,* 2020).

Sei Whale

The Nova Scotia stock of sei whales can be found in deeper waters of the continental shelf edge waters of the northeastern United States and northeastward to south of Newfoundland. Two subspecies of sei whales are currently recognized (Committee on Taxonomy, 2018) and the Northern sei whale (*B. b. borealis*) is known to occur within the Project Area. Sei whales are most common in deeper waters along the continental shelf edge (Hayes *et al.,* 2020) but will forage occasionally in shallower, inshore waters. The southern portion of the stock's range during spring and summer includes the Gulf of Maine and Georges Bank. Spring is the period of greatest abundance in U.S. waters, with sightings concentrated along the eastern margin of Georges Bank and into the Northeast Channel area, and along the southwestern edge of Georges Bank in the area of Hydrographer Canyon (Hayes *et al.,* 2020). Sei whales occur in shallower waters to feed. Sei whales are listed as engendered under the ESA, and the Nova Scotia stock is considered strategic and depleted under the MMPA. The main threats to this stock are interactions with fisheries and vessel collisions (Hayes *et al.,* 2020).

Minke Whale

Minke whales can be found in temperate, tropical, and high-latitude waters. The Canadian East Coast stock can be found in the area from the western half of the Davis Strait (45°W) to the Gulf of Mexico (Hayes *et al.,* 2020). This species generally occupies waters less than 100 m deep on the continental shelf. Little is known about minke whales' specific movements through the mid-Atlantic region; however, there appears to be a strong seasonal component to minke whale distribution, with acoustic detections indicating that they migrate south in mid-October to early November, and return from wintering grounds starting in March through early April (Hayes *et al.,* 2020). Northward migration appears to track the warmer waters of the Gulf Stream along the continental shelf, while southward migration is made farther offshore (Risch *et al.,* 2014).

Since January 2017, elevated minke whale mortalities have occurred along the Atlantic coast from Maine through South Carolina, with a total of 103 strandings recorded through January 2021 This event has been declared a UME. Full or partial necropsy examinations were conducted on more than 60 percent of the whales. Preliminary findings in several of the whales have shown evidence of human interactions or infectious disease, but these findings are not consistent across all of the whales examined, so more research is needed. More information is available at: *www.fisheries.noaa.gov/national/marine-life-distress/2017-2021-minke-whale-unusual-mortality-event-along-atlantic-coast.*

Sperm Whale

The distribution of the sperm whale in the U.S. Exclusive Economic Zone (EEZ) occurs on the continental shelf edge, over the continental slope, and into mid-ocean regions (Hayes *et al.* 2020). The basic social unit of the sperm whale appears to be the mixed school of adult females plus their calves and some juveniles of both sexes, normally numbering 20–40 animals in all. There is evidence that some social bonds persist for many years (Christal *et al.,* 1998). This species forms stable social groups, site fidelity, and latitudinal range limitations in groups of females and juveniles (Whitehead, 2002). In winter, sperm whales concentrate east and northeast of Cape Hatteras. In spring, distribution shifts northward to east of Delaware and Virginia, and is widespread throughout the central Mid-Atlantic Bight and the southern part of Georges Bank. In the fall, sperm whale occurrence on the continental shelf south of New England reaches peak levels, and there remains a continental shelf edge occurrence in the Mid-Atlantic Bight (Hayes *et al.,* 2020).

No sperm whales were recorded during the MABS surveys or the NJDEP EBS. CETAP and NMFS Northeast Fisheries Science Center sightings in shelf edge and off-shelf waters included many social groups with calves/juveniles (CETAP, 1982). Sperm whales were usually seen at the tops of seamounts and rises and did not generally occur over slopes. Sperm whales were recorded at depths varying from 800 to 3,500 m. Although the likelihood of occurrence within the Project Area remains very low, the sperm whale was included as an affected species due to its high seasonal densities east of the Project Area.

Long-Finned Pilot Whale

Long-finned pilot whales are found from North Carolina and north to Iceland, Greenland and the Barents Sea (Hayes *et al.,* 2020). In U.S. Atlantic waters the species is distributed principally along the continental shelf edge off the northeastern U.S. coast in winter and early spring and in late spring, pilot whales move onto Georges Bank and into the Gulf of Maine and more northern waters and remain in these areas through late autumn (Hayes *et al.,* 2020). Long-finned and short-finned pilot whales overlap spatially along the mid-Atlantic shelf break between Delaware and the southern flank of Georges Bank. Long-finned pilot whales have occasionally been observed stranded as far south as South Carolina, but sightings of long-finned pilot whales south of Cape Hatteras would be considered unusual (Hayes *et al.,* 2020).The main threats to this species include interactions with fisheries and habitat issues including exposure to high levels of polychlorinated biphenyls and chlorinated pesticides, and toxic metals including mercury, lead, cadmium, and selenium (Hayes *et al.,* 2020).

Short-Finned Pilot Whale

As described above, long-finned and short-finned pilot whales overlap spatially along the mid-Atlantic shelf break between Delaware and the southern flank of Georges Bank. There is limited information on the distribution of short-finned pilot whales; they prefer warmer or tropical waters and deeper waters offshore, and in the northeast United States, they are often sighted near the Gulf Stream (Hayes *et al.,* 2020). Short-finned pilot whales have occasionally been observed stranded as far north as Massachusetts but north of ~42° N short-finned pilot whale sightings would be considered unusual while south of Cape Hatteras most pilot whales would be expected to be short-finned pilot whales (Hayes *et al.,* 2020). In addition, short-finned pilot whales are documented along the continental shelf and continental slope in the northern Gulf of Mexico (Mullin and Fulling 2003), and they are also known from the wider Caribbean. As with long-finned pilot whales, the main threats to this species include interactions with fisheries and habitat issues including exposure to high levels of polychlorinated biphenyls and chlorinated pesticides, and toxic metals including mercury, lead, cadmium, and selenium (Hayes *et al.,* 2020).

Atlantic White-Sided Dolphin

White-sided dolphins are found in temperate and sub-polar waters of the North Atlantic, primarily in continental shelf waters to the 100-m depth contour from central West Greenland to North Carolina (Hayes *et al.,* 2020). The Gulf of Maine stock is most common in continental shelf waters from Hudson Canyon to Georges Bank, and in the Gulf of Maine and lower Bay of Fundy. Sighting data indicate seasonal shifts in distribution (Northridge *et al.,* 1997). During January to May, low numbers of white-sided dolphins are found from Georges Bank to Jeffreys Ledge (off New Hampshire), with even lower numbers south of Georges Bank, as documented by a few strandings collected on beaches of Virginia to South Carolina. The Virginia and North Carolina observations appear to represent the southern extent of the species range. From June through September, large numbers of white-sided dolphins are found from Georges Bank to the lower Bay of Fundy. From October to December, white-sided dolphins occur at intermediate densities from southern Georges Bank to southern Gulf of Maine (Payne and Heinemann 1990). Sightings south of Georges Bank, particularly around Hudson Canyon, occur year round but at low densities.

Atlantic Spotted Dolphin

Atlantic spotted dolphins are found in tropical and warm temperate waters ranging from southern New England, south to Gulf of Mexico and the Caribbean to Venezuela (Hayes *et al.,* 2020). This stock regularly occurs in continental shelf waters south of Cape Hatteras and in continental shelf edge and continental slope waters north of this region (Hayes *et al.,* 2020). Atlantic spotted dolphins regularly occur in the inshore waters south of Chesapeake Bay,

and near the continental shelf edge and continental slope waters north of this region (Payne *et al.,* 1984; Mullin and Fulling, 2003). Atlantic spotted dolphins north of Cape Hatteras also associate with the north wall of the Gulf Stream and warm-core rings (Hayes *et al.,* 2020). Four sightings of Atlantic spotted dolphins were recorded between 2012 and 2014 during the summer MABS surveys (Williams *et al.,* 2015a,b). There are 2 forms of this species, with the larger ecotype inhabiting the continental shelf and is usually found inside or near the 200 m isobaths (Hayes *et al.,* 2020).

Common Dolphin

The common dolphin is found world-wide in temperate to subtropical seas. In the North Atlantic, common dolphins are commonly found over the continental shelf between the 100-m and 2,000-m isobaths and over prominent underwater topography and east to the mid-Atlantic Ridge (Hayes *et al.,* 2020). Common dolphins are distributed in waters off the eastern U.S. coast from Cape Hatteras northeast to Georges Bank (35° to 42° N) during mid-January to May and move as far north as the Scotian Shelf from mid-summer to autumn (CETAP, 1982; Hayes *et al.,* 2020; Hamazaki, 2002; Selzer and Payne, 1988).

The Western North Atlantic offshore stock expected to occur in the Project Area. The offshore stock is distributed primarily along the outer continental shelf and slope, from Georges Bank to Cape Hatteras during the spring and summer (CETAP, 1982; Kenney, 1990). Spatial distribution data and genetic studies indicate the coastal morphotype comprises multiple stocks distributed throughout coastal and estuarine waters of the U.S. East Coast. One such stock, the northern migratory coastal stock, ranges from North Carolina to New York and is likely to occur in the Project Area (Hayes *et al.,* 2020). There is likely some interaction between the northern and southern migratory stocks, but the bottlenose dolphins in the Project Area are expected to be from the northern migratory stock (Hayes *et al.,* 2020). All coastal stocks are listed as depleted (Hayes *et al.,* 2020). The best abundance estimates for the northern migratory coastal stock of common bottlenose dolphin is 6,639 individuals (Hayes et al. 2020).

Bottlenose Dolphin

There are two distinct bottlenose dolphin morphotypes in the western North Atlantic: The coastal and offshore forms (Hayes *et al.,* 2020). The offshore form is distributed primarily along the outer continental shelf and continental slope in the Northwest Atlantic Ocean from Georges Bank to the Florida Keys. The coastal morphotype is morphologically and genetically distinct from the larger, more robust morphotype that occupies habitats further offshore. Spatial distribution data, tag-telemetry studies, photo-ID studies and genetic studies demonstrate the existence of a distinct Northern Migratory coastal stock of coastal bottlenose dolphins (Hayes *et al.,* 2020).

North of Cape Hatteras, there is separation of the offshore and coastal morphotypes across bathymetric contours during summer months. Aerial surveys flown from 1979 through 1981 indicated a concentration of common bottlenose dolphins in waters <25 m deep that corresponded with the coastal morphotype, and an area of high abundance along the shelf break that corresponded with the offshore stock (Hayes *et al.,* 2020). Torres *et al.* (2003) found a statistically significant break in the distribution of the morphotypes; almost all dolphins found in waters >34 m depth and >34 km from shore were of the offshore morphotype. The coastal stock is best defined by its summer distribution, when it occupies coastal waters from the shoreline to the 20-m isobath between Virginia and New York (Hayes *et al.,* 2020). This stock migrates south during late summer and fall, and during colder months it occupies waters off Virginia and North Carolina (Hayes *et al.,* 2020). Therefore, during the summer, dolphins found inside the 20-m isobath in the Project Area are likely to belong to the coastal stock, while those found in deeper waters or observed during cooler months belong to the offshore stock.

Risso's Dolphin

Risso's dolphins are large dolphins with a characteristic blunt head and light coloration, often with extensive scarring. They are widely distributed in tropical and temperate seas. In the Western North Atlantic they occur from Florida to eastern Newfoundland (Leatherwood *et al.,* 1976; Baird and Stacey, 1991). Off the U.S. Northeast Coast, Risso's dolphins are primarily distributed along the continental shelf, but can also be found swimming in shallower waters to the mid-shelf (Hayes *et al.,* 2020).

Risso's dolphins occur along the continental shelf edge from Cape Hatteras to Georges Bank during spring, summer, and autumn. In winter, they are distributed in the Mid-Atlantic from the continental shelf edge outward (Hayes *et al.,* 2020). The majority of sightings during the 2011 surveys occurred along the continental shelf break with generally lower sighting rates over the continental slope (Palka, 2012). Risso's dolphins can be found in Mid-Atlantic waters year-round and are more likely to be encountered offshore given their preference for deeper waters along the shelf edge. However, previous surveys have commonly observed this species in shallower waters, making it possible this species could be encountered in the Project Area, particularly in summer when they are more abundant in this region (Curtice *et al.,* 2019; Williams *et al.,* 2015a, b; Hayes *et al.,* 2020).

Harbor Porpoise

Harbor porpoises commonly occur throughout Massachusetts Bay from September through April. During the fall and spring, harbor porpoises are widely distributed along the east coast from New Jersey to Maine. During the summer, the porpoises are concentrated in the Northern Gulf of Maine and Southern Bay of Fundy in water depths <150 m. In winter, densities increase in the waters off New Jersey to North Carolina and decrease in the waters from New York to New Brunswick; however, specific migratory timing or routes are not apparent. Although still considered uncommon, harbor porpoises were regularly detected offshore of Maryland during winter and spring surveys (Wingfield *et al.,* 2017). They were the second most frequently sighted cetacean during the NJDEP EBS, with 90 percent of the sightings during the winter, three during the spring, and one during the summer (Whitt *et al.,* 2015). The lack of sightings during the fall was attributed to low visibility conditions during those months, but available data indicate this species is likely present offshore New Jersey during fall and winter (Whitt *et al.,* 2015).

In the Lease Area, only the Gulf of Maine/Bay of Fundy stock may be present. This stock is found in U.S. and Canadian Atlantic waters and is concentrated in the northern Gulf of Maine and southern Bay of Fundy region, generally in waters less than 150 m deep (Hayes *et al.,* 2020). They are seen from the coastline to deep waters (≤1,800 m; Westgate *et al.* 1998), although the majority of the population is found over the continental shelf (Hayes *et al.,* 2020).

The main threat to the species is interactions with fisheries, with documented take in the U.S. northeast sink gillnet, mid-Atlantic gillnet, and northeast bottom trawl fisheries and in the Canadian herring weir fisheries (Hayes et al. 2020).

Harbor Seal

The harbor seal is found in all nearshore waters of the North Atlantic and North Pacific Oceans and adjoining seas above about 30° N (Burns, 2009). In the western North Atlantic, harbor seals are distributed from the eastern Canadian Arctic and Greenland south to southern New England and New York, and occasionally to the Carolinas (Hayes *et al.,* 2020). The harbor seals within the Project Area are part of the single Western North Atlantic stock. Between September and May they undergo seasonal migrations into southern New England and the Mid-Atlantic (Hayes *et al.,* 2020). The NJDEP EBS reported one harbor seal offshore New Jersey in June 2008 in approximately 18 m of water (Whitt *et al.,* 2015). Three other pinnipeds were observed during this study, however, they could not be identified to species level.

Since July 2018, elevated numbers of harbor seal and gray seal mortalities have occurred across Maine, New Hampshire and Massachusetts. This event has been declared a UME. Additionally, stranded seals have shown clinical signs as far south as Virginia, although not in elevated numbers, therefore the UME investigation now encompasses all seal strandings from Maine to Virginia. A total of 1,593 reported strandings (of all species) had occurred as of the writing of this document. Full or partial necropsy examinations have been conducted on some of the seals and samples have been collected for testing. Based on tests conducted thus far, the main pathogen found in the seals is phocine distemper virus. NMFS is performing additional testing to identify any other factors that may be involved in this UME. Information on this UME is available online at: *www.fisheries.noaa.gov/new-england-mid-atlantic/marine-life-distress/2018–2020-pinniped-unusual-mortality-event-along.*

Gray Seal

There are three major populations of gray seals found in the world; eastern Canada (western North Atlantic stock), northwestern Europe and the Baltic Sea. Gray seals in the survey area belong to the western North Atlantic stock. The range for this stock is thought to be from New Jersey to Labrador. Though gray seals are not regularly sighted offshore of Delaware their range has been expanding southward in recent years, and they have been observed recently as far south as the barrier islands of Virginia. Current population trends show that gray seal abundance is likely increasing in the U.S. Atlantic EEZ (Hayes *et al.,* 2020). Although the rate of increase is unknown, surveys conducted since their arrival in the 1980s indicate a steady increase in abundance in both Maine and Massachusetts (Hayes *et al.,* 2020). It is believed that recolonization by Canadian gray seals is the source of the U.S. population (Hayes *et al.,* 2020). As described above, elevated seal mortalities, including gray seals, have occurred from Maine to Virginia since July 2018. This event has been declared a UME, with phocine distemper virus identified as the main pathogen found in the seals. NMFS is performing additional testing to identify any other factors that may be involved in this UME. Information on this UME is available online at: *www.fisheries.noaa.gov/new-england-mid-atlantic/marine-life-distress/2018–2020-pinniped-unusual-mortality-event-along.*

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in Table 3.

TABLE 3—MARINE MAMMAL HEARING GROUPS

[NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information. Sixteen marine mammal species (14 cetacean and 2 pinniped (both phocid) species) have the reasonable potential to co-occur with the proposed survey activities. Please refer to Table 2. Of the cetacean

species that may be present, five are classified as low-frequency cetaceans (*i.e.,* all mysticete species), eight are classified as mid-frequency cetaceans (*i.e.,* all delphinid species and the sperm whale), and one is classified as a high-frequency cetacean (*i.e.,* harbor porpoise).

Potential Effects of Specified Activities on Marine Mammals and their Habitat

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The Estimated Take section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Background on Sound

Sound is a physical phenomenon consisting of minute vibrations that travel through a medium, such as air or water, and is generally characterized by several variables. Frequency describes the sound's pitch and is measured in Hz or kHz, while sound level describes the sound's intensity and is measured in dB. Sound level increases or decreases exponentially with each dB of change. The logarithmic nature of the scale means that each 10-dB increase is a 10-fold increase in acoustic power (and a 20-dB increase is then a 100-fold increase in power). A 10-fold increase in acoustic power does not mean that the sound is perceived as being 10 times louder, however. Sound levels are compared to a reference sound pressure (micro-Pascal) to identify the medium. For air and water, these reference pressures are ''re: 20 micro Pascals (μPa)'' and ''re: 1 μPa,'' respectively. Root mean square (RMS) is the quadratic mean sound pressure over the duration of an impulse. RMS is calculated by squaring all the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick 1975). RMS accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels. This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units rather than by peak pressures.

When sound travels (propagates) from its source, its loudness decreases as the distance traveled by the sound increases. Thus, the loudness of a sound at its source is higher than the loudness of that same sound one km away. Acousticians often refer to the loudness of a sound at its source (typically referenced to one meter from the source) as the source level and the loudness of sound elsewhere as the received level (*i.e.,* typically the receiver). For example, a humpback whale 3 km from a device that has a source level of 230 dB may only be exposed to sound that is 160 dB loud, depending on how the sound travels through water (*e.g.,* spherical spreading (6 dB reduction with doubling of distance) was used in this example). As a result, it is important to understand the difference between source levels and received levels when discussing the loudness of sound in the ocean or its impacts on the marine environment.

As sound travels from a source, its propagation in water is influenced by various physical characteristics, including water temperature, depth, salinity, and surface and bottom properties that cause refraction, reflection, absorption, and scattering of sound waves. Oceans are not homogeneous and the contribution of each of these individual factors is extremely complex and interrelated. The physical characteristics that determine the sound's speed through the water will change with depth, season, geographic location, and with time of day (as a result, in actual active sonar operations, crews will measure oceanic conditions, such as sea water temperature and depth, to calibrate models that determine the path the sonar signal will take as it travels through the ocean and how strong the sound signal will be at a given range along a particular transmission path). As sound travels through the ocean, the intensity associated with the wavefront diminishes, or attenuates. This decrease in intensity is referred to as propagation loss, also commonly called transmission loss.

Acoustic Impacts

Geophysical surveys may temporarily impact marine mammals in the area due to elevated in-water sound levels. Marine mammals are continually exposed to many sources of sound. Naturally occurring sounds such as lightning, rain, sub-sea earthquakes, and biological sounds (*e.g.,* snapping shrimp, whale songs) are widespread throughout the world's oceans. Marine mammals produce sounds in various contexts and use sound for various biological functions including, but not limited to: (1) Social interactions, (2) foraging, (3) orientation, and (4) predator detection. Interference with producing or receiving these sounds may result in adverse impacts. Audible distance, or received levels, of sound depends on the nature of the sound source, ambient noise conditions, and the sensitivity of the receptor to the sound (Richardson *et al.,* 1995). Type and significance of marine mammal reactions to sound are likely dependent on a variety of factors including, but not limited to: (1) The behavioral state of the animal (*e.g.,* feeding, traveling, etc.), (2) frequency of the sound, (3) distance between the animal and the source, and (4) the level of the sound relative to ambient conditions (Southall *et al.,* 2007).

When considering the influence of various kinds of sound on the marine environment, it is necessary to understand that different kinds of marine life are sensitive to different frequencies of sound. Current data indicate that not all marine mammal species have equal hearing capabilities (Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). Animals are less sensitive to sounds at the outer edges of their functional hearing range and are more sensitive to a range of frequencies within the middle of their functional hearing range.

Hearing Impairment

Marine mammals may experience temporary or permanent hearing impairment when exposed to loud sounds. Hearing impairment is classified by temporary threshold shift (TTS) and permanent threshold shift (PTS). PTS is considered auditory injury (Southall *et al.,* 2007) and occurs in a specific frequency range and amount. Irreparable damage to the inner or outer cochlear hair cells may cause PTS; however, other mechanisms are also involved, such as exceeding the elastic limits of certain tissues and membranes in the middle and inner ears and resultant changes in the chemical composition of the inner ear fluids (Southall *et al.,* 2007). There are no empirical data for onset of PTS in any marine mammal; therefore, PTS-onset must be estimated from TTS-onset measurements and from the rate of TTS growth with increasing exposure levels above the level eliciting TTS-onset. PTS is presumed to be likely if the hearing threshold is reduced by ≥40 dB (that is, 40 dB of TTS).

Temporary Threshold Shift (TTS)

TTS is the mildest form of hearing impairment that can occur during exposure to a loud sound (Kryter 1985). While experiencing TTS, the hearing threshold rises, and a sound must be louder in order to be heard. At least in terrestrial mammals, TTS can last from minutes or hours to (in cases of strong TTS) days, can be limited to a particular frequency range, and can occur to varying degrees (*i.e.,* a loss of a certain number of dBs of sensitivity). For sound exposures at or somewhat above the TTS threshold, hearing sensitivities in both terrestrial and marine mammals recover rapidly after exposure to the noise ends.

Marine mammal hearing plays a critical role in communication with conspecifics and in interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious. For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animal is traveling through the open ocean, where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during a time when communication is critical for successful mother/calf interactions could have more serious impacts if it were in the same frequency band as the necessary vocalizations and of a severity that it impeded communication. The fact that animals exposed to levels and durations of sound that would be expected to result in this physiological response would also be expected to have behavioral responses of a comparatively more severe or sustained nature is also notable and potentially of more importance than the simple existence of a TTS.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin, beluga whale (*Delphinapterus leucas*), harbor porpoise, and Yangtze finless porpoise (*Neophocaena phocaenoides*)) and three species of pinnipeds (northern elephant seal (*Mirounga angustirostris*), harbor seal, and California sea lion (*Zalophus californianus*)) exposed to a limited number of sound sources (*i.e.,* mostly tones and octave-band noise) in laboratory settings (*e.g.,* Finneran *et al.,* 2002 and 2010; Nachtigall *et al.,* 2004; Kastak *et al.,* 2005; Lucke *et al.,* 2009; Mooney *et al.,* 2009a,b; Popov *et al.,* 2011; Finneran and Schlundt, 2010). In general, harbor seals (Kastak *et al.,* 2005; Kastelein *et al.,* 2012a) and harbor porpoises (Lucke *et al.,* 2009; Kastelein *et al.,* 2012b) have a lower TTS onset than other measured pinniped or cetacean species. However, even for these animals, which are better able to hear higher frequencies and may be more sensitive to higher frequencies, exposures on the order of approximately 170 dB_{rms} or higher for brief transient signals are likely required for even temporary (recoverable) changes in hearing sensitivity that would likely not be categorized as physiologically damaging (Lucke *et al.,* 2009). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. There are no data available on noise-induced hearing loss for mysticetes. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Finneran (2015).

Scientific literature highlights the inherent complexity of predicting TTS onset in marine mammals, as well as the importance of considering exposure duration when assessing potential impacts (Mooney *et al.,* 2009a, 2009b; Kastak *et al.,* 2007). Generally, with sound exposures of equal energy, quieter sounds (lower sound pressure levels (SPL)) of longer duration were found to induce TTS onset more than louder sounds (higher SPL) of shorter duration (more similar to sub-bottom profilers). For intermittent sounds, less threshold shift will occur than from a continuous exposure with the same energy (some recovery will occur between intermittent exposures) (Kryter *et al.,* 1966; Ward 1997). For sound exposures at or somewhat above the TTS-onset threshold, hearing sensitivity recovers rapidly after exposure to the sound ends; intermittent exposures recover faster in comparison with continuous exposures of the same duration (Finneran *et al.,* 2010). NMFS considers TTS as Level B harassment that is mediated by physiological effects on the auditory system.

Animals in the survey area during the HRG survey are unlikely to incur TTS hearing impairment due to the characteristics of the sound sources, which include relatively low source levels (176 to 205 dB re 1 μPa-m) and generally very short pulses and duration of the sound. Even for high-frequency cetacean species (*e.g.,* harbor porpoises), which may have increased sensitivity to TTS (Lucke *et al.,* 2009; Kastelein *et al.,* 2012b), individuals would have to make a very close approach and also remain very close to vessels operating these sources in order to receive multiple exposures at relatively high levels, as would be necessary to cause TTS. Intermittent exposures—as would occur due to the brief, transient signals produced by these sources—require a higher cumulative SEL to induce TTS than would continuous exposures of the same duration (*i.e.,* intermittent exposure results in lower levels of TTS) (Mooney *et al.,* 2009a; Finneran *et al.,* 2010). Moreover, most marine mammals would more likely avoid a loud sound source rather than swim in such close proximity as to result in TTS. Kremser *et al.* (2005) noted that the probability of a cetacean swimming through the area of exposure when a sub-bottom profiler emits a pulse is small—because if the animal was in the area, it would have to pass the transducer at close range in order to be subjected to sound levels that could cause TTS and would likely exhibit avoidance behavior to the area near the transducer rather than swim through at such a close range. Further, the restricted beam shape of many of HRG survey devices planned for use (Table 1) makes it unlikely that an animal would be exposed more than briefly during the passage of the vessel.

Masking

Masking is the obscuring of sounds of interest to an animal by other sounds, typically at similar frequencies. Marine mammals are highly dependent on sound, and their ability to recognize sound signals amid other sound is important in communication and detection of both predators and prey (Tyack 2000). Background ambient sound may interfere with or mask the ability of an animal to detect a sound signal even when that signal is above its absolute hearing threshold. Even in the absence of anthropogenic sound, the marine environment is often loud. Natural ambient sound includes contributions from wind, waves, precipitation, other animals, and (at frequencies above 30 kHz) thermal sound resulting from molecular agitation (Richardson *et al.,* 1995).

Background sound may also include anthropogenic sound, and masking of natural sounds can result when human activities produce high levels of background sound. Conversely, if the background level of underwater sound is high (*e.g.,* on a day with strong wind and high waves), an anthropogenic sound source would not be detectable as far away as would be possible under quieter conditions and would itself be masked. Ambient sound is highly

variable on continental shelves (Myrberg 1978; Desharnais *et al.,* 1999). This results in a high degree of variability in the range at which marine mammals can detect anthropogenic sounds.

Although masking is a phenomenon which may occur naturally, the introduction of loud anthropogenic sounds into the marine environment at frequencies important to marine mammals increases the severity and frequency of occurrence of masking. For example, if a baleen whale is exposed to continuous low-frequency sound from an industrial source, this would reduce the size of the area around that whale within which it can hear the calls of another whale. The components of background noise that are similar in frequency to the signal in question primarily determine the degree of masking of that signal. In general, little is known about the degree to which marine mammals rely upon detection of sounds from conspecifics, predators, prey, or other natural sources. In the absence of specific information about the importance of detecting these natural sounds, it is not possible to predict the impact of masking on marine mammals (Richardson *et al.,* 1995). In general, masking effects are expected to be less severe when sounds are transient than when they are continuous. Masking is typically of greater concern for those marine mammals that utilize low-frequency communications, such as baleen whales, because of how far low-frequency sounds propagate.

Marine mammal communications would not likely be masked appreciably by the sub-bottom profiler signals given the directionality of the signals for most HRG survey equipment types planned for use (Table 1) and the brief period when an individual mammal is likely to be within its beam.

Non-Auditory Physical Effects (Stress)

Classic stress responses begin when an animal's central nervous system perceives a potential threat to its homeostasis. That perception triggers stress responses regardless of whether a stimulus actually threatens the animal; the mere perception of a threat is sufficient to trigger a stress response (Moberg 2000; Seyle 1950). Once an animal's central nervous system perceives a threat, it mounts a biological response or defense that consists of a combination of the four general biological defense responses: behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses.

In the case of many stressors, an animal's first and sometimes most economical (in terms of biotic costs) response is behavioral avoidance of the potential stressor or avoidance of continued exposure to a stressor. An animal's second line of defense to stressors involves the sympathetic part of the autonomic nervous system and the classical ''fight or flight'' response which includes the cardiovascular system, the gastrointestinal system, the exocrine glands, and the adrenal medulla to produce changes in heart rate, blood pressure, and gastrointestinal activity that humans commonly associate with ''stress.'' These responses have a relatively short duration and may or may not have significant long-term effect on an animal's welfare.

An animal's third line of defense to stressors involves its neuroendocrine systems; the system that has received the most study has been the hypothalamus-pituitary-adrenal system (also known as the HPA axis in mammals). Unlike stress responses associated with the autonomic nervous system, virtually all neuro-endocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction (Moberg 1987; Rivier 1995), reduced immune competence (Blecha 2000), and behavioral disturbance. Increases in the circulation of glucocorticosteroids (cortisol, corticosterone, and aldosterone in marine mammals; see Romano *et al.,* 2004) have been long been equated with stress.

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and distress is the biotic cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose a risk to the animal's welfare. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other biotic functions, which impairs those functions that experience the diversion. For example, when mounting a stress response diverts energy away from growth in young animals, those animals may experience stunted growth. When mounting a stress response diverts energy from a fetus, an animal's reproductive success and its fitness will suffer. In these cases, the animals will have entered a pre-pathological or pathological state which is called ''distress'' (Seyle 1950) or ''allostatic loading'' (McEwen and Wingfield 2003). This pathological state will last until the animal replenishes its biotic reserves sufficient to restore normal function. Note that these examples involved a long-term (days or weeks) stress response exposure to stimuli.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses have also been documented fairly well through controlled experiments; because this physiology exists in every vertebrate that has been studied, it is not surprising that stress responses and their costs have been documented in both laboratory and free-living animals (for examples see, Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005; Reneerkens *et al.,* 2002; Thompson and Hamer, 2000). Information has also been collected on the physiological responses of marine mammals to exposure to anthropogenic sounds (Fair and Becker 2000; Romano *et al.,* 2004). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales.

Studies of other marine animals and terrestrial animals would also lead us to expect some marine mammals to experience physiological stress responses and, perhaps, physiological responses that would be classified as ''distress'' upon exposure to high-frequency, mid-frequency, and low-frequency sounds. Trimper *et al.* (1998) reported on the physiological stress responses of osprey to low-level aircraft noise while Krausman *et al.* (2004) reported on the auditory and physiology stress responses of endangered Sonoran pronghorn to military overflights. Smith *et al.* (2004a, 2004b), for example, identified noise-induced physiological transient stress responses in hearing-specialist fish (*i.e.,* goldfish) that accompanied short- and long-term hearing losses. Welch and Welch (1970) reported physiological and behavioral stress responses that accompanied damage to the inner ears of fish and several mammals.

Hearing is one of the primary senses marine mammals use to gather information about their environment and to communicate with conspecifics. Although empirical information on the relationship between sensory impairment (TTS, PTS, and acoustic masking) on marine mammals remains limited, it seems reasonable to assume that reducing an animal's ability to gather information about its environment and to communicate with

other members of its species would be stressful for animals that use hearing as their primary sensory mechanism. Therefore, NMFS assumes that acoustic exposures sufficient to trigger onset PTS or TTS would be accompanied by physiological stress responses because terrestrial animals exhibit those responses under similar conditions (NRC 2003). More importantly, marine mammals might experience stress responses at received levels lower than those necessary to trigger onset TTS. Based on empirical studies of the time required to recover from stress responses (Moberg 2000), NMF also assumes that stress responses are likely to persist beyond the time interval required for animals to recover from TTS and might result in pathological and pre-pathological states that would be as significant as behavioral responses to TTS.

In general, there are few data on the potential for strong, anthropogenic underwater sounds to cause non-auditory physical effects in marine mammals. The available data do not allow identification of a specific exposure level above which non-auditory effects can be expected (Southall *et al.,* 2007). There is currently no definitive evidence that any of these effects occur even for marine mammals in close proximity to an anthropogenic sound source. In addition, marine mammals that show behavioral avoidance of survey vessels and related sound sources are unlikely to incur non-auditory impairment or other physical effects. NMFS does not expect that the generally short-term, intermittent, and transitory HRG and geotechnical activities would create conditions of long-term, continuous noise and chronic acoustic exposure leading to long-term physiological stress responses in marine mammals.

Behavioral Disturbance

Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,* 1995; Wartzok *et al.,* 2003; Southall *et al.,* 2007; Weilgart 2007; Archer *et al.,* 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). Please see Appendices B–C of Southall *et al.* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a ''progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,'' rather than as, more generally, moderation in response to human disturbance (Bejder *et al.,* 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure. As noted, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.,* 1995; NRC 2003; Wartzok *et al.,* 2003). Controlled experiments with captive marine mammals have shown pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.,* 1997; Finneran *et al.,* 2003). Observed responses of wild marine mammals to loud, pulsed sound sources (typically seismic airguns or acoustic harassment devices) have been varied but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds, 2002; see also Richardson *et al.,* 1995; Nowacek *et al.,* 2007).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder, 2007; Weilgart 2007; NRC 2005). However, there are broad categories of potential response, which NMFS describes in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.,* Frankel and Clark 2000; Costa *et al.,* 2003; Ng and Leung 2003; Nowacek *et al.,* 2004; Goldbogen *et al.,* 2013a,b). Variations in dive behavior may reflect interruptions in biologically significant activities (*e.g.,* foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.;* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Variations in respiration naturally vary with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in

understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (*e.g.,* Kastelein *et al.,* 2001, 2005b, 2006; Gailey *et al.,* 2007).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their vocalizations (Miller *et al.,* 2000; Fristrup *et al.,* 2003; Foote *et al.,* 2004), while North Atlantic right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.,* 2007). In some cases, animals may cease sound production during production of aversive signals (Bowles *et al.,* 1994).

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a sound or other stressor and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.,* 1995). For example, gray whales are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.,* 1984). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.,* Bowles *et al.,* 1994; Goold 1996; Stone *et al.,* 2000; Morton and Symonds, 2002; Gailey *et al.,* 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.,* Blackwell *et al.,* 2004; Bejder *et al.,* 2006; Teilmann *et al.,* 2006).

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.,* directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (Evans and England, 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves, 2008) and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.,* when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fish and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.,* Beauchamp and Livoreil 1997; Fritz *et al.,* 2002; Purser and Radford 2011). In addition, chronic disturbance can cause population declines through reduction of fitness (*e.g.,* decline in body condition) and subsequent reduction in reproductive success, survival, or both (*e.g.,* Harrington and Veitch, 1992; Daan *et al.,* 1996; Bradshaw *et al.,* 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a five-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruptions of such functions resulting from reactions to stressors such as sound exposure are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than one day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). Note that there is a difference between multi-day substantive behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

Marine mammals are likely to avoid the HRG survey activity, especially the naturally shy harbor porpoise, while harbor seals might be attracted to survey vessels out of curiosity. However, because the sub-bottom profilers and other HRG survey equipment operate from a moving vessel, and the maximum radius to the Level B harassment threshold is relatively small, the area and time that this equipment would be affecting a given location is very small. Further, once an area has been surveyed, it is not likely that it will be surveyed again, thereby reducing the likelihood of repeated HRG-related impacts within the survey area.

NMFS has also considered the potential for severe behavioral responses such as stranding and associated indirect injury or mortality from Skipjack's use of HRG survey equipment, on the basis of a 2008 mass stranding of approximately 100 melon-headed whales in a Madagascar lagoon system. An investigation of the event indicated that use of a high-frequency mapping system (12-kHz multibeam echosounder) was the most plausible and likely initial behavioral trigger of the event, while providing the caveat that there is no unequivocal and easily identifiable single cause (Southall *et al.,* 2013). The investigatory panel's conclusion was based on: (1) Very close temporal and spatial association and directed movement of the survey with the stranding event. (2) the unusual nature of such an event coupled with previously documented apparent behavioral sensitivity of the species to other sound types (Southall *et al.,* 2006; Brownell *et al.,* 2009), and (3) the fact that all other possible factors considered were determined to be unlikely causes. Specifically, regarding survey patterns prior to the event and in relation to bathymetry, the vessel transited in a north-south direction on the shelf break parallel to the shore, ensonifying large areas of deep-water habitat prior to operating intermittently in a concentrated area offshore from the stranding site; this may have trapped the animals between the sound source and the shore, thus driving them towards the lagoon system. The investigatory panel systematically excluded or deemed highly unlikely nearly all other potential reasons for these animals leaving their typical pelagic habitat for an area extremely atypical for the species (*i.e.,* a shallow lagoon system). Notably, this was the first time that such a system has been associated with a stranding event. The panel also noted several site- and situation-specific secondary factors that may have contributed to the avoidance responses that led to the eventual entrapment and mortality of the whales. Specifically, shoreward-directed surface currents and elevated chlorophyll levels

in the area preceding the event may have played a role (Southall *et al.,* 2013). The report also notes that prior use of a similar system in the general area may have sensitized the animals and also concluded that, for odontocete cetaceans that hear well in higher frequency ranges where ambient noise is typically quite low, high-power active sonars operating in this range may be more easily audible and have potential effects over larger areas than low frequency systems that have more typically been considered in terms of anthropogenic noise impacts. It is, however, important to note that the relatively lower output frequency, higher output power, and complex nature of the system implicated in this event, in context of the other factors noted here, likely produced a fairly unusual set of circumstances that indicate that such events would likely remain rare and are not necessarily relevant to use of lower-power, higher-frequency systems more commonly used for HRG survey applications. The risk of similar events recurring may be very low, given the extensive use of active acoustic systems used for scientific and navigational purposes worldwide on a daily basis and the lack of direct evidence of such responses previously reported.

Tolerance

Numerous studies have shown that underwater sounds from industrial activities are often readily detectable by marine mammals in the water at distances of many km. However, other studies have shown that marine mammals at distances more than a few km away often show no apparent response to industrial activities of various types (Miller *et al.,* 2005). This is often true even in cases when the sounds must be readily audible to the animals based on measured received levels and the hearing sensitivity of that mammal group. Although various baleen whales, toothed whales, and (less frequently) pinnipeds have been shown to react behaviorally to underwater sound from sources such as airgun pulses or vessels under some conditions, at other times, mammals of all three types have shown no overt reactions (*e.g.,* Malme *et al.,* 1986; Richardson *et al.,* 1995; Madsen and Mohl 2000; Croll *et al.,* 2001; Jacobs and Terhune 2002; Madsen *et al.,* 2002; Miller *et al.,* 2005). In general, pinnipeds seem to be more tolerant of exposure to some types of underwater sound than are baleen whales. Richardson *et al.* (1995) found that vessel sound does not seem to affect pinnipeds that are already in the water. Richardson *et al.* (1995) went on to explain that seals on haul-outs sometimes respond strongly to the presence of vessels and at other times appear to show considerable tolerance of vessels, and Brueggeman *et al.* (1992) observed ringed seals (*Pusa hispida*) hauled out on ice pans displaying short-term escape reactions when a ship approached within 0.16–0.31 miles (0.25–0.5 km). Due to the relatively high vessel traffic in the survey area it is possible that marine mammals are habituated to noise (*e.g.,* DP thrusters) from vessels in the area.

Vessel Strike

Ship strikes of marine mammals can cause major wounds, which may lead to the death of the animal. An animal at the surface could be struck directly by a vessel, a surfacing animal could hit the bottom of a vessel, or a vessel's propeller could injure an animal just below the surface. The severity of injuries typically depends on the size and speed of the vessel (Knowlton and Kraus 2001; Laist *et al.,* 2001; Vanderlaan and Taggart 2007).

The most vulnerable marine mammals are those that spend extended periods of time at the surface in order to restore oxygen levels within their tissues after deep dives (*e.g.,* the sperm whale). In addition, some baleen whales, such as the North Atlantic right whale, seem generally unresponsive to vessel sound, making them more susceptible to vessel collisions (Nowacek *et al.,* 2004). These species are primarily large, slow moving whales. Smaller marine mammals (*e.g.,* bottlenose dolphin) move quickly through the water column and are often seen riding the bow wave of large ships. Marine mammal responses to vessels may include avoidance and changes in dive pattern (NRC 2003).

An examination of all known ship strikes from all shipping sources (civilian and military) indicates vessel speed is a principal factor in whether a vessel strike results in death (Knowlton and Kraus 2001; Laist *et al.,* 2001; Jensen and Silber 2003; Vanderlaan and Taggart 2007). In assessing records with known vessel speeds, Laist *et al.* (2001) found a direct relationship between the occurrence of a whale strike and the speed of the vessel involved in the collision. The authors concluded that most deaths occurred when a vessel was traveling in excess of 24.1 km/h (14.9 mph; 13 kn). Given the slow vessel speeds and predictable course necessary for data acquisition, ship strike is unlikely to occur during Skipjack's proposed survey activities. Marine mammals would be able to easily avoid the survey vessel due to the slow vessel speed. Further, Skipjack would implement measures (*e.g.,* protected species monitoring, vessel speed restrictions and separation distances; see *Proposed Mitigation*) set forth in the BOEM lease to reduce the risk of a vessel strike to marine mammal species in the survey area.

Marine Mammal Habitat

The HRG survey equipment will not contact the seafloor and does not represent a source of pollution. NMFS is not aware of any available literature on impacts to marine mammal prey from sound produced by HRG survey equipment. However, as the HRG survey equipment introduces noise to the marine environment, there is the potential for it to result in avoidance of the area around the HRG survey activities on the part of marine mammal prey. Any avoidance of the area on the part of marine mammal prey would be expected to be short term and temporary.

Because of the temporary nature of the disturbance, and the availability of similar habitat and resources (*e.g.,* prey species) in the surrounding area, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations. NMFS has preliminarily determined that impacts on marine mammal habitat from the proposed activities will be temporary, insignificant, and discountable.

Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to noise from certain

HRG sources. Based on the nature of the activity and the anticipated effectiveness of the mitigation measures (*i.e.,* exclusion zones and shutdown measures), discussed in detail below in Proposed Mitigation section, Level A harassment or and/or mortality is neither anticipated, even absent mitigation, nor proposed to be authorized. Below NMFS describes how the take is estimated.

Generally speaking, NMFS estimates take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. NMFS notes that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, NMFS describes the factors considered here in more detail and present the proposed take estimate.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner NMFS considers Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 μPa (rms) for continuous (*e.g.,* vibratory pile-driving, drilling) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Skipjack's proposed activity includes the use of intermittent sources (HRG equipment) and therefore the 160 dB re 1 μPa (rms) is applicable.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). Skipjack's proposed activity includes the use of impulsive (*e.g.,* sparkers and boomers) and non-impulsive (*e.g.,* CHIRP) sources.

These thresholds are provided in Table 4 below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 4—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS Onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound exposure level (L_E) has a reference value of 1μPa²s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, NMFS describes operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

NMFS has developed a user-friendly methodology for determining the rms sound pressure level (SPL_{rms}) at the 160-dB isopleth for the purposes of estimating the extent of Level B harassment isopleths associated with HRG survey equipment (NMFS, 2020). This methodology incorporates frequency and some directionality to refine estimated ensonified zones. For sources that operate with different beam widths, the maximum beam width was used (see Table 1). The lowest frequency of the source was used when calculating the absorption coefficient (Table 1).

NMFS considers the data provided by Crocker and Fratantonio (2016) to represent the best available information on source levels associated with HRG equipment and, therefore, recommends that source levels provided by Crocker and Fratantonio (2016) be incorporated in the method described above to

estimate isopleth distances to the Level A and Level B harassment thresholds. In cases when the source level for a specific type of HRG equipment is not provided in Crocker and Fratantonio (2016), NMFS recommends that either the source levels provided by the manufacturer be used, or, in instances where source levels provided by the manufacturer are unavailable or unreliable, a proxy from Crocker and Fratantonio (2016) be used instead. Table 1 shows the HRG equipment types that may be used during the proposed surveys and the sound levels associated with those HRG equipment types.

Results of modeling using the methodology described above indicated that, of the HRG survey equipment planned for use by Skipjack that has the potential to result in Level B harassment of marine mammals, sound produced by the Applied Acoustics Dura-Spark UHD sparkers and GeoMarine Geo-Source sparker would propagate furthest to the Level B harassment threshold (141 m; Table 5). As described above, only a portion of Skipjack's survey activity days will employ sparkers or boomers; therefore, for the purposes of the exposure analysis, it was assumed that sparkers would be the dominant acoustic source for 50 of the total 200 survey activity days. For the remaining 150 survey days, the TB Chirp III (48 m) was assumed to be the dominant source. Thus, the distances to the isopleths corresponding to the threshold for Level B harassment for sparkers (141 m) and the TB Chirp III (48 m) were used as the basis of the take calculation for all marine mammals 25 percent and 75 percent of survey activity days, respectively. This is a conservative approach, as the actual sources used on individual survey days may produce smaller harassment distances.

When the NMFS Technical Guidance was first published in 2016, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, NMFS developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. NMFS notes that because of some of the assumptions included in the methods used for these tools, it is anticipated that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of Level A harassment take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For mobile sources such as HRG equipment, the User Spreadsheet predicts the closest distance at which a stationary animal would not incur PTS if the sound source traveled by the animal in a straight line at a constant speed. Inputs used in the User Spreadsheet are shown in Table 5 and Table 6 and the resulting isopleths are reported in Table 7.

TABLE 5—USER SPREADSHEET INPUTS FOR NON-IMPULSIVE, NON-PARAMETRIC, SHALLOW SUB-BOTTOM PROFILERS
[CHIRP sonars]

Device	EdgeTech 216	Edgetech 424	Edgetech 512	GeoPulse 5430	Teledyne Chirp III
Spreadsheet tab used	(D1) Mobile source; non-impulsive, intermittent	(D1) Mobile source; non-impulsive, intermittent	(D1) Mobile source; non-impulsive, intermittent	(D1) Mobile source; non-impulsive, intermittent	(D1) Mobile source; non-impulsive, intermittent
Frequency used for Weighting Factor Adjustment (kHz) [1] [2].	2; 16; 16; 6.2	4; 24; 24; 6.2	1.7; 12; 12; 6.2	2; 17; 17; 6.2	2; 7; 7; 6.2
Source Level (RMS SPL)	195	176	179	196	197
Source Velocity (m/sec)	2.057	2.057	2.057	2.057	2.057
Pulse Duration (sec)	0.02	0.0034	0.009	0.05	0.06
1/Repetition rate (sec)	0.17	0.5	0.125	0.1	0.07

[1] Values for WFA represented = (LFC; MFC; HFC; PPW).
[2] WFAs were selected in the User Spreadsheet for each marine mammal hearing group based on estimated hearing sensitivities of each group and the operational frequency of the source.

TABLE 6—USER SPREADSHEET INPUTS FOR IMPULSIVE, MEDIUM SUB-BOTTOM PROFILERS
[Sparkers & Boomers]

Device	AA, Dura-spark UHD (400 tips, 500 J) [1]	AA, Dura-spark UHD (400+400) [1]	GeoMarine, Geo-Source dual 400 tip sparker (800 J) [1]	GeoMarine Geo-Source 200 tip sparker (400 J) [1]	GeoMarine Geo-Source 200–400 tip sparker (400 J) [1]	AA, triple plate S Boom (700–1,000 J) [2]
Spreadsheet tab used	(F1) Mobile source: impulsive, intermittent	(F1) Mobile source: impulsive, intermittent	(F1) Mobile source: impulsive, intermittent	(F1) Mobile source: impulsive, intermittent	(F1) Mobile source: impulsive, intermittent	(F1) Mobile source: impulsive, intermittent
Frequency used for Weighting Factor Adjustment (kHz) *.	1	1	1.5	1	1	3.4
Source Level (RMS SPL; PK SPL).	203; 211	203; 211	203; 211	203; 211	203; 211	205; 211
Source Velocity (m/sec).	2.057	2.057	2.057	2.057	2.057	2.057
Pulse Duration (sec)	0.0011	0.0011	0.0011	0.0011	0.0011	0.0006
1/Repetition rate (sec)	0.25	0.25	0.25	0.25	0.25	0.25

[1] The Dura-spark measurements and specifications provided in Crocker and Fratantonio (2016) were used for all sparker systems proposed for the survey. The data provided in Crocker and Fratantonio (2016) represent the most applicable data for similar sparker systems with comparable operating methods and settings when manufacturer or other reliable measurements are not available.
[2] Crocker and Fratantonio (2016) provide S-Boom measurements using two different power sources (CSP–D700 and CSP–N). The CSP–D700 power source was used in the 700 J measurements but not in the 1,000 J measurements. The CSP–N source was measured for both 700 J and 1,000 J operations but resulted in a lower SL; therefore, the single maximum SL value was used for both operational levels of the S Boom.

TABLE 7—MODELED RADIAL DISTANCES FROM HRG SURVEY EQUIPMENT TO ISOPLETHS CORRESPONDING TO LEVEL B HARASSMENT THRESHOLDS

Source	Distance to Level B harassment threshold (m) (SPL_{rms} threshold)
Non-impulsive, Non-parametric, Shallow SBPs:	
ET 216 CHIRP	9
ET 424 CHIRP	4
ET 512i CHIRP	6
GeoPulse 5430	21
TB CHIRP III	48
Impulsive, Medium SBPs:	
AA Triple plate S-Boom (700/1,000 J)	34
AA, Dura-spark UHD (500 J/400 tip)	141
AA, Dura-spark UHD 400+400	141
GeoMarine, Geo-Source dual 400 tip sparker	141
GeoMarine, Geo-Source 200 tip sparker	141
GeoMarine, Geo-Source 200–400 tip sparker	141

Isopleth distances to Level A harassment thresholds for all types of HRG equipment and all marine mammal functional hearing groups were modeled using the NMFS User Spreadsheet and NMFS Technical Guidance (2018). The dual criteria (peak SPL and SEL_{cum}) were applied to all HRG sources using the modeling methodology as described above, and the isopleth distances for each functional hearing group were then carried forward in the exposure analysis. Distances to the Level A harassment threshold based on the larger of the dual criteria (peak SPL and SEL_{cum}) are shown in Table 7. Modeled distances to isopleths corresponding to the Level A harassment thresholds are very small for all marine mammals and stocks (<5 m) with the exception of HF cetaceans (36.5 m from GeoPulse 5430). Note that the modeled distances to isopleths corresponding to the Level A harassment threshold are also assumed to be conservative. Level A harassment would also be more likely to occur at close approach to the sound source or as a result of longer duration exposure to the sound source, and mitigation measures—including a 100 m exclusion zone for harbor porpoises—are expected to minimize the potential for close approach or longer duration exposure to active HRG sources. In addition, harbor porpoises are a notoriously shy species which is known to avoid vessels. Harbor porpoise would also be expected to avoid a sound source prior to that source reaching a level that would result in injury (Level A harassment). Therefore, NMFS has determined that the potential for take by Level A harassment of harbor porpoises is so low as to be discountable.

Given the information described above regarding porpoises and based on the very small Level A harassment zones for all marine mammal species and stocks that may be impacted by the proposed activities, the potential for any marine mammals to be taken by Level A harassment is considered so low as to be discountable. Therefore, Skipjack did not request and NMFS does not propose to authorize the take by Level A harassment of any marine mammals.

Marine Mammal Occurrence

In this section NMFS provides information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

The habitat-based density models produced by the Duke University Marine Geospatial Ecology Laboratory (Roberts *et al.,* 2016a,b, 2017, 2018, 2020) represent the best available information regarding marine mammal densities in the proposed survey area. The density data presented by Roberts *et al.* (2016, 2017, 2018, 2020) incorporates aerial and shipboard line-transect survey data from NMFS and other organizations and incorporates data from 8 physiographic and 16 dynamic oceanographic and biological covariates, and controls for the influence of sea state, group size, availability bias, and perception bias on the probability of making a sighting. These density models were originally developed for all cetacean taxa in the U.S. Atlantic (Roberts *et al.,* 2016). In subsequent years, certain models have been updated based on additional data as well as certain methodological improvements. More information is available online at *seamap.env.duke.edu/models/Duke-EC–GOM–2015/.* Marine mammal density estimates in the survey area (animals/km^2) were obtained using the most recent model results for all taxa (Roberts *et al.,* 2016, 2017, 2018, 2020). The updated models incorporate additional sighting data, including sightings from the NOAA Atlantic Marine Assessment Program for Protected Species (AMAPPS) surveys (*e.g.,* NEFSC & SEFSC, 2011, 2012, 2014a, 2014b, 2015, 2016).

For the exposure analysis, density data from Roberts *et al.* (2016, 2017, 2018, 2020) were mapped using a geographic information system (GIS). Density grid cells that included any portion of the proposed survey area were selected for all survey months.

Densities from each of the selected density blocks were averaged for each month available to provide monthly density estimates for each species (when available based on the temporal resolution of the model products), along with the average annual density (Table 8).

TABLE 8—ESTIMATED MONTHLY AND AVERAGE ANNUAL DENSITY (ANIMALS/km²) OF POTENTIALLY AFFECTED MARINE MAMMALS WITHIN THE PROJECT AREA BASED ON MONTHLY HABITAT DENSITY MODELS

[Roberts *et al.* 2016; Roberts, 2018, 2020]

Species	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average annual density (km^{-2})
Low-Frequency Cetaceans:													
Fin whale	0.0010	0.0008	0.0015	0.0020	0.0017	0.0012	0.0005	0.0004	0.0011	0.0014	0.0010	0.0009	0.0011
Sei whale	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Minke whale	0.0002	0.0002	0.0002	0.0009	0.0010	0.0005	0.0001	0.0000	0.0001	0.0003	0.0001	0.0001	0.0003
Humpback whale	0.0013	0.0006	0.0006	0.0005	0.0005	0.0004	0.0001	0.0001	0.0002	0.0004	0.0004	0.0014	0.0005
North Atlantic right whale	0.0037	0.0042	0.0043	0.0028	0.0002	0.0000	0.0000	0.0000	0.0000	0.0000	0.0003	0.0020	0.0015
Mid-Frequency Cetaceans:													
Sperm whale	0.0000	0.0000	0.0000	0.0000	0.0000	0.0001	0.0001	0.0001	0.0000	0.0001	0.0000	0.0000	0.0000
Atlantic white-sided dolphin	0.0017	0.0009	0.0012	0.0028	0.0035	0.0022	0.0006	0.0003	0.0008	0.0026	0.0036	0.0034	0.0020
Atlantic spotted dolphin	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017
Common bottlenose dolphin (Offshore) [1]	0.0134	0.0088	0.0125	0.0193	0.1224	0.1138	0.1361	0.1663	0.0800	0.0713	0.0524	0.0201	0.0680
Common bottlenose dolphin (Migratory) [1]	0.0317	0.0271	0.0444	0.0910	0.5921	0.4623	0.5903	0.6439	0.2388	0.2015	0.1335	0.0459	0.2585
Short-finned pilot whale [2]	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003
Long-finned pilot whale [2]	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003	0.0003
Risso's dolphin	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Common dolphin	0.0071	0.0035	0.0040	0.0092	0.0167	0.0110	0.0125	0.0143	0.0109	0.0109	0.0200	0.0152	0.0113
High-Frequency Cetaceans:													
Harbor porpoise	0.0261	0.0247	0.0225	0.0095	0.0031	0.0000	0.0000	0.0000	0.0000	0.0005	0.0153	0.0535	0.0129
Pinnipeds [3]:													
Gray seal	0.0003	0.0003	0.0003	0.0003	0.0003	0.0007	0.0007	0.0007	0.0003	0.0003	0.0003	0.0003	0.0004
Harbor seal	0.0003	0.0003	0.0003	0.0003	0.0003	0.0007	0.0007	0.0007	0.0003	0.0003	0.0003	0.0003	0.0004

[1] Bottlenose dolphin stocks were delineated based on the 20-m isobath as identified in NMFS 2017 Stock Assessment Report; all density blocks falling inland of the 20-m depth contour were assumed to belong to the migratory coastal stock, and those beyond this depth were assumed to belong to the offshore stock.
[2] Roberts (2018) only provides density estimates for "generic" pilot whales. It is assumed that each species has density levels that are equivalent to the generic pilot whale Density levels.
[3] Seal densities are not given by individual months or species, instead, seasons are divided as summer (June, July, August) and Winter (September–May) and applied to "generic" seals; as a result, reported seasonal densities for spring and fall are the same and are not provided for each species (Roberts 2018). Densities were evenly split between both species.

Level B harassment exposures were estimated by multiplying the average annual density of each species (Table 8) by the daily ZOI that was estimated to be ensonified to an SPL_{rms} exceeding 160 dB re 1 μPa (Table 9), times the number of operating days expected for the survey in each area assessed.

Take Calculation and Estimation

Here NMFS describes how the information provided above is brought together to produce a quantitative take estimate. In order to estimate the number of marine mammals predicted to be exposed to sound levels that would result in harassment, radial distances to predicted isopleths corresponding to Level B harassment thresholds are calculated, as described above. Those distances are then used to calculate the area(s) around the HRG survey equipment predicted to be ensonified to sound levels that exceed harassment thresholds. The area estimated to be ensonified to relevant thresholds in a single day is then calculated, based on areas predicted to be ensonified around the HRG survey equipment and the estimated trackline distance traveled per day by the survey vessel. The daily area is multiplied by the mean annual density of a given marine mammal species. This value is then multiplied by the number of proposed vessel days.

The estimated potential daily active survey distance of 70 km was used as the estimated areal coverage over a 24-hour period. This distance accounts for the vessel traveling at roughly 4 knots and only for periods during which equipment <180 kHz is in operation. A vessel traveling 4 knots can cover approximately 110 km per day; however, based on data from 2017, 2018, and 2019 surveys, survey coverage over a 24-hour period is closer to 70 km per day. For daylight only vessels, the distance is reduced to 35 km per day. To maintain the potential for 24-hour surveys, the Level B harassment ZOIs provided in Table 9 were calculated for each source based on the Level B harassment threshold distances in Table 7 with a 24-hour (70 km) operational period.

TABLE 9—CALCULATED ZONE OF INFLUENCE (ZOI) ENCOMPASSING LEVEL B THRESHOLDS FOR EACH SOUND SOURCE OR COMPARABLE SOUND SOURCE CATEGORY

Source	Level B ZOI (km²)
Hearing group	All
ET 216 CHIRP	1.3
ET 424 CHIRP	0.6
ET 512i CHIRP	0.8
GeoPulse 5430	2.9
TB CHIRP III	6.7
AA Triple plate S-Boom (700–1,000 J)	4.8
AA, Dura-spark UHD	19.8
AA, Dura-spark UHD 400+400	19.8
GeoMarine, Geo-Source dual 400 tip Sparker	19.8

AA = Applied Acoustics; CHIRP = Compressed High-Intensity Radiated Pulse; ET = EdgeTech; HF = high-frequency; J = joules; LF = low-frequency; MF = mid-frequency; PW = phocid pinnipeds in water; SBP = sub-bottom profiler; TB = Teledyne Benthos; UHD = ultra-high definition.

Level B exposures were estimated by multiplying the average annual density of each species (Table 7) (Roberts *et al.,* 2016; Roberts, 2018) by the daily ZOI that was estimated to be ensonified to an SPL_{rms} exceeding 160 dB re 1 μPa

(Table 9), times the number of operating days expected for the survey in each area assessed. As described previously, it was assumed that that sparker systems with 141-m Level B harassment isopleths would operate for 50 survey days and the non-sparker TB CHIRP III with 48-m Level B harassment isopleth would operate for the remaining 150 survey days. The results of these calculations are shown in Table 10.

TABLE 10—SUMMARY OF TAKE NUMBERS PROPOSED FOR AUTHORIZATION

Species	Abundance	Level B takes [1]	Max % population
Low-Frequency Cetaceans:			
Fin whale	7,418	2	0.03
Sei whale	6,292	0 (1)	0.02
Minke whale	24,202	0 (2)	0.01
Humpback whale	1,396	2	0.14
North Atlantic right whale	428	3	0.70
Mid-Frequency Cetaceans:			
Sperm whale [3]	4,349	0 (3)	0.07
Atlantic white-sided dolphin	93,233	4	0.00
Atlantic spotted dolphin	39,921	4 (2,000)	5.00
Common bottlenose dolphin [2]:			
Offshore Stock	62,851	135	0.21
Migratory Stock	6,639	516	7.77
Pilot Whales [3]:			
Short-finned pilot whale	28,924	0 (10)	0.03
Long-finned pilot whale	39,215	0 (10)	0.03
Risso's dolphin	35,493	0 (30)	0.08
Common dolphin	178,825	24 (70)	0.04
High-Frequency Cetaceans:			
Harbor porpoise	95,543	22	0.03
Pinnipeds:			
Seals [4]:			
Gray seal	27,131	0 (10)	0.04
Harbor seal	75,834	0 (10)	0.01

[1] Parenthesis denote changes from calculated take estimates.
[2] Roberts *et al.* (2016) does not provide density estimates for individual stocks of common bottlenose dolphins; therefore, stock densities were delineated using the 20-m isobath.
[3] Roberts (2018) only provides density estimates for ''generic'' pilot whales and seals; therefore, an equal potential for takes has been assumed either for species or stocks within the larger group.
[4] Roberts (2018) only provides density estimates for ''generic'' seals; therefore, densities were split evenly between the two species.

No takes were calculated for the sei whale, minke whale, sperm whale, short- and long-finned pilot whale, or Risso's dolphin. However, based on anticipated species distributions and data from previous surveys conducted in the DE WEA, it is possible that these species could be encountered. Therefore, Skipjack based its take requests on estimated group sizes for these species (1 for sei whales, 2 for minke whales, 3 for sperm whales, 10 for short- and long-finned pilot whales, and 30 for Risso's dolphins). For species with no modeled exposures, requested takes for HRG surveys are based on mean group sizes derived from the following references:

- Sei whale: Kenney and Vigness-Raposa, 2010;
- Minke whale: Kenney and Vigness-Raposa, 2020;
- Sperm whale: Barkaszi and Kelly, 2018;
- Short- and long-finned pilot whales: Kenney and Vigness-Raposa, 2010; and
- Risso's dolphin: Barkaszi and Kelly, 2018.

NMFS concurred with this approach and based its proposed authorization for takes of these species on Skipjack's requests. Additionally, the number of takes proposed in Table 10 for Atlantic white-sided dolphin, bottlenose dolphin, harbor porpoise are equivalent to the numbers requested by Skipjack.

Roberts *et al.* (2018) produced density models for all seals and did not differentiate by seal species. The take calculation methodology as described above resulted in close to zero takes. The marine mammal monitoring report associated with the previous IHA issued to Skipjack in this survey area (84 FR 66156; December 3, 2019) did not record any takes of seals. However, the proposed survey area for this proposed IHA includes a portion of Delaware Bay which is not covered by Roberts *et al.* (2018) and was not included as part of the previous IHA. Therefore, Skipjack did not request take of any harbor or gray seals. However, since seals are known to occur in the Bay, mostly during winter months, NMFS is conservatively proposing to authorize 10 takes of each species by Level B harassment of both harbor and gray seals.

Skipjack had requested 4 takes of spotted dolphin and 24 takes of common dolphin by Level B harassment. However, recent HRG surveys in the Mid-Atlantic area off the coast of Virginia have recorded unexpectedly large numbers of both Atlantic spotted dolphin and common dolphin. These events have led NMFS to modify another offshore wind energy company's existing IHA (85 FR 81879; December 17, 2020) in order to accommodate larger take numbers. The spotted dolphins had been recorded at a rate of up 15 per day while common dolphins were recorded at a rate of 62 animals in a single week. Note that there were many days in which there were no sightings of spotted dolphins and that all of the 62 common dolphin sightings occurred during a single week. The previous Skipjack marine mammal monitoring report from this area recorded up to 8 common dolphins over 23 days of active surveying (0.35 animals/day). Given this data, NMFS will assume that 0.35 common dolphins could be exposed within the Level B

harassment zone per day over 200 days resulting in the 70 proposed takes of common dolphin by Level B harassment. NMFS will also assume that there could be up to 10 exposures of spotted dolphin per day resulting in the proposed 2000 takes by Level B harassment.

Note that Skipjack submitted a marine mammal monitoring report under the previous IHA covering the period of June 4, 2020 through June 26, 2020. Over the 23-day monitoring period there were 110 sightings consisting of 112 individual animals. Only three bottlenose dolphins were recorded as occurring within estimated Level B harassment zones which is well below the 1,465 takes that were authorized. However, due to a range of factors only 23 actual survey days occurred out of 200 that were anticipated.

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS carefully considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations.

Mitigation for Marine Mammals and Their Habitat

NMFS proposes the following mitigation measures be implemented during Skipjack's proposed marine site characterization surveys.

Marine Mammal Exclusion Zones and Harassment Zones

Marine mammal exclusion zones (EZ) would be established around the HRG survey equipment and monitored by protected species observers (PSOs):

- 500 m EZ for North Atlantic right whales during use of all acoustic sources;
- 100 m EZ for all marine mammals, with certain exceptions specified below, during operation of impulsive acoustic sources (boomer and/or sparker).

If a marine mammal is detected approaching or entering the EZs during the HRG survey, the vessel operator would adhere to the shutdown procedures described below to minimize noise impacts on the animals. These stated requirements will be included in the site-specific training to be provided to the survey team.

Pre-Clearance of the Exclusion Zones

Skipjack would implement a 30-minute pre-clearance period of the exclusion zones prior to the initiation of ramp-up of HRG equipment. During this period, the exclusion zone will be monitored by the PSOs, using the appropriate visual technology. Ramp-up may not be initiated if any marine mammal(s) is within its respective exclusion zone. If a marine mammal is observed within an exclusion zone during the pre-clearance period, ramp-up may not begin until the animal(s) has been observed exiting its respective exclusion zone or until an additional time period has elapsed with no further sighting (*i.e.,* 15 minutes for small odontocetes and seals, and 30 minutes for all other species).

Ramp-Up of Survey Equipment

When technically feasible, a ramp-up procedure would be used for HRG survey equipment capable of adjusting energy levels at the start or restart of survey activities. The ramp-up procedure would be used at the beginning of HRG survey activities in order to provide additional protection to marine mammals near the survey area by allowing them to vacate the area prior to the commencement of survey equipment operation at full power.

A ramp-up would begin with the powering up of the smallest acoustic HRG equipment at its lowest practical power output appropriate for the survey. When technically feasible, the power would then be gradually turned up and other acoustic sources would be added.

Ramp-up activities will be delayed if a marine mammal(s) enters its respective exclusion zone. Ramp-up will continue if the animal has been observed exiting its respective exclusion zone or until an additional time period has elapsed with no further sighting (*i.e.,* 15 minutes for small odontocetes and seals and 30 minutes for all other species).

Activation of survey equipment through ramp-up procedures may not occur when visual observation of the pre-clearance zone is not expected to be effective (*i.e.,* during inclement conditions such as heavy rain or fog).

Shutdown Procedures

An immediate shutdown of the impulsive HRG survey equipment would be required if a marine mammal is sighted entering or within its respective exclusion zone. The vessel operator must comply immediately with any call for shutdown by the Lead PSO. Any disagreement between the Lead PSO and vessel operator should be discussed only after shutdown has occurred. Subsequent restart of the survey equipment can be initiated if the animal has been observed exiting its respective exclusion zone or until an additional time period has elapsed (*i.e.,* 30 minutes for all other species).

If a species for which authorization has not been granted, or, a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within the Level B harassment zone (48 m, non-impulsive; 141 m impulsive), shutdown would occur.

If the acoustic source is shut down for reasons other than mitigation (*e.g.,* mechanical difficulty) for less than 30 minutes, it may be activated again without ramp-up if PSOs have maintained constant observation and no detections of any marine mammal have occurred within the respective exclusion zones. If the acoustic source is shut down for a period longer than 30 minutes and PSOs have maintained constant observation, then pre-clearance and ramp-up procedures will be initiated as described in the previous section.

The shutdown requirement would be waived for small delphinids of the following genera: *Delphinus, Lagenorhynchus, Stenella,* and *Tursiops*

and seals. Specifically, if a delphinid from the specified genera or a pinniped is visually detected approaching the vessel (*i.e.,* to bow ride) or towed equipment, shutdown is not required. Furthermore, if there is uncertainty regarding identification of a marine mammal species (*i.e.,* whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived), PSOs must use best professional judgement in making the decision to call for a shutdown. Additionally, shutdown is required if a delphinid or pinniped detected in the exclusion zone and belongs to a genus other than those specified.

Vessel Strike Avoidance

Skipjack will ensure that vessel operators and crew maintain a vigilant watch for cetaceans and pinnipeds and slow down or stop their vessels to avoid striking these species. Survey vessel crew members responsible for navigation duties will receive site-specific training on marine mammals sighting/reporting and vessel strike avoidance measures. Vessel strike avoidance measures would include the following, except under circumstances when complying with these requirements would put the safety of the vessel or crew at risk:

- Vessel operators and crews must maintain a vigilant watch for all protected species and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any protected species. A visual observer aboard the vessel must monitor a vessel strike avoidance zone based on the appropriate separation distance around the vessel (distances stated below). Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.,* PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to (1) distinguish protected species from other phenomena and (2) broadly to identify a marine mammal as a right whale, other whale (defined in this context as sperm whales or baleen whales other than right whales), or other marine mammal.
- All vessels (*e.g.,* source vessels, chase vessels, supply vessels), regardless of size, must observe a 10-knot speed restriction in specific areas designated by NMFS for the protection of North Atlantic right whales from vessel strikes including seasonal management areas (SMAs) and dynamic management areas (DMAs) when in effect;
- All vessels greater than or equal to 19.8 m in overall length operating from November 1 through April 30 will operate at speeds of 10 knots or less while transiting to and from Project Area;
- All vessels must reduce their speed to 10 knots or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel.
- All vessels must maintain a minimum separation distance of 500 m from right whales. If a whale is observed but cannot be confirmed as a species other than a right whale, the vessel operator must assume that it is a right whale and take appropriate action.
- All vessels must maintain a minimum separation distance of 100 m from sperm whales and all other baleen whales.
- All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.,* for animals that approach the vessel).
- When marine mammals are sighted while a vessel is underway, the vessel shall take action as necessary to avoid violating the relevant separation distance (*e.g.,* attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area). If marine mammals are sighted within the relevant separation distance, the vessel must reduce speed and shift the engine to neutral, not engaging the engines until animals are clear of the area. This does not apply to any vessel towing gear or any vessel that is navigationally constrained.
- These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply.

Seasonal Operating Requirements

Members of the monitoring team will consult NMFS North Atlantic right whale reporting system and Whale Alert, as able, for the presence of North Atlantic right whales throughout survey operations, and for the establishment of a DMA. If NMFS should establish a DMA in the Lease Areas during the survey, the vessels will abide by speed restrictions in the DMA.

Project-specific training will be conducted for all vessel crew prior to the start of a survey and during any changes in crew such that all survey personnel are fully aware and understand the mitigation, monitoring, and reporting requirements. Prior to implementation with vessel crews, the training program will be provided to NMFS for review and approval. Confirmation of the training and understanding of the requirements will be documented on a training course log sheet. Signing the log sheet will certify that the crew member understands and will comply with the necessary requirements throughout the survey activities.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or

cumulative), other stressors, or cumulative impacts from multiple stressors;

- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Proposed Monitoring Measures

Visual monitoring will be performed by qualified, NMFS-approved PSOs, the resumes of whom will be provided to NMFS for review and approval prior to the start of survey activities. Skipjack would employ independent, dedicated, trained PSOs, meaning that the PSOs must (1) be employed by a third-party observer provider, (2) have no tasks other than to conduct observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements (including brief alerts regarding maritime hazards), and (3) have successfully completed an approved PSO training course appropriate for their designated task. On a case-by-case basis, non-independent observers may be approved by NMFS for limited, specific duties in support of approved, independent PSOs on smaller vessels with limited crew capacity operating in nearshore waters.

The PSOs will be responsible for monitoring the waters surrounding each survey vessel to the farthest extent permitted by sighting conditions, including exclusion zones, during all HRG survey operations. PSOs will visually monitor and identify marine mammals, including those approaching or entering the established exclusion zones during survey activities. It will be the responsibility of the Lead PSO on duty to communicate the presence of marine mammals as well as to communicate the action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate.

During all HRG survey operations (*e.g.,* any day on which use of an HRG source is planned to occur), a minimum of one PSO must be on duty during daylight operations on each survey vessel, conducting visual observations at all times on all active survey vessels during daylight hours (*i.e.,* from 30 minutes prior to sunrise through 30 minutes following sunset). Two PSOs will be on watch during nighttime operations. The PSO(s) would ensure 360° visual coverage around the vessel from the most appropriate observation posts and would conduct visual observations using binoculars and/or night vision goggles and the naked eye while free from distractions and in a consistent, systematic, and diligent manner. PSOs may be on watch for a maximum of four consecutive hours followed by a break of at least two hours between watches and may conduct a maximum of 12 hours of observation per 24-hour period. In cases where multiple vessels are surveying concurrently, any observations of marine mammals would be communicated to PSOs on all nearby survey vessels.

PSOs must be equipped with binoculars and have the ability to estimate distance and bearing to detect marine mammals, particularly in proximity to exclusion zones. Reticulated binoculars must also be available to PSOs for use as appropriate based on conditions and visibility to support the sighting and monitoring of marine mammals. During nighttime operations, night-vision goggles with thermal clip-ons and infrared technology would be used. Position data would be recorded using hand-held or vessel GPS units for each sighting.

During good conditions (*e.g.,* daylight hours; Beaufort sea state (BSS) 3 or less), to the maximum extent practicable, PSOs would also conduct observations when the acoustic source is not operating for comparison of sighting rates and behavior with and without use of the active acoustic sources. Any observations of marine mammals by crew members aboard any vessel associated with the survey would be relayed to the PSO team.

Data on all PSO observations would be recorded based on standard PSO collection requirements. This would include dates, times, and locations of survey operations; dates and times of observations, location and weather; details of marine mammal sightings (*e.g.,* species, numbers, behavior); and details of any observed marine mammal behavior that occurs (*e.g.,* noted behavioral disturbances).

Proposed Reporting Measures

Within 90 days after completion of survey activities or expiration of this IHA, whichever comes sooner, a final technical report will be provided to NMFS that fully documents the methods and monitoring protocols, summarizes the data recorded during monitoring, summarizes the number of marine mammals observed during survey activities (by species, when known), summarizes the mitigation actions taken during surveys (including what type of mitigation and the species and number of animals that prompted the mitigation action, when known), and provides an interpretation of the results and effectiveness of all mitigation and monitoring. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS. All draft and final marine mammal and acoustic monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *ITP.Pauline@noaa.gov.* The report must contain at minimum, the following:

- PSO names and affiliations
- Dates of departures and returns to port with port name
- Dates and times (Greenwich Mean Time) of survey effort and times corresponding with PSO effort
- Vessel location (latitude/longitude) when survey effort begins and ends; vessel location at beginning and end of visual PSO duty shifts
- Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any line change
- Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions change significantly), including wind speed and direction, Beaufort sea state, Beaufort wind force, swell height, weather conditions, cloud cover, sun glare, and overall visibility to the horizon
- Factors that may be contributing to impaired observations during each PSO shift change or as needed as environmental conditions change (*e.g.,* vessel traffic, equipment malfunctions)
- Survey activity information, such as type of survey equipment in operation, acoustic source power output while in operation, and any other notes of significance (*i.e.,* pre-clearance survey, ramp-up, shutdown, end of operations, etc.)

If a marine mammal is sighted, the following information should be recorded:

- Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);
- PSO who sighted the animal;
- Time of sighting;
- Vessel location at time of sighting;
- Water depth;
- Direction of vessel's travel (compass direction);
- Direction of animal's travel relative to the vessel;
- Pace of the animal;

• Estimated distance to the animal and its heading relative to vessel at initial sighting;

• Identification of the animal (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified); also note the composition of the group if there is a mix of species;

• Estimated number of animals (high/low/best);

• Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, etc.);

• Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);

• Detailed behavior observations (*e.g.,* number of blows, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);

• Animal's closest point of approach and/or closest distance from the center point of the acoustic source;

• Platform activity at time of sighting (*e.g.,* deploying, recovering, testing, data acquisition, other);

• Description of any actions implemented in response to the sighting (*e.g.,* delays, shutdown, ramp-up, speed or course alteration, etc.) and time and location of the action.

If a North Atlantic right whale is observed at any time by PSOs or personnel on any project vessels, during surveys or during vessel transit, Skipjack must immediately report sighting information to the NMFS North Atlantic Right Whale Sighting Advisory System: (866) 755–6622. North Atlantic right whale sightings in any location may also be reported to the U.S. Coast Guard via channel 16.

In the event that Skipjack personnel discover an injured or dead marine mammal, Skipjack would report the incident to the NMFS Office of Protected Resources (OPR) and the NMFS New England/Mid-Atlantic Stranding Coordinator as soon as feasible. The report would include the following information:

• Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);

• Species identification (if known) or description of the animal(s) involved;

• Condition of the animal(s) (including carcass condition if the animal is dead);

• Observed behaviors of the animal(s), if alive;

• If available, photographs or video footage of the animal(s); and

• General circumstances under which the animal was discovered.

In the unanticipated event of a ship strike of a marine mammal by any vessel involved in the activities covered by the IHA, Skipjack would report the incident to the NMFS OPR and the NMFS New England/Mid-Atlantic Stranding Coordinator as soon as feasible. The report would include the following information:

• Time, date, and location (latitude/longitude) of the incident;

• Species identification (if known) or description of the animal(s) involved;

• Vessel's speed during and leading up to the incident;

• Vessel's course/heading and what operations were being conducted (if applicable);

• Status of all sound sources in use;

• Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;

• Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;

• Estimated size and length of animal that was struck;

• Description of the behavior of the marine mammal immediately preceding and following the strike;

• If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;

• Estimated fate of the animal (*e.g.,* dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and

• To the extent practicable, photographs or video footage of the animal(s).

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. NMFS also assesses the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, our analysis applies to all the species listed in Table 10, given that NMFS expects the anticipated effects of the proposed survey to be similar in nature. Where there are meaningful differences between species or stocks—as is the case of the North Atlantic right whale—they are included as separate subsections below. NMFS does not anticipate that serious injury or mortality would occur as a result from HRG surveys, even in the absence of mitigation, and no serious injury or mortality is proposed to be authorized. As discussed in the Potential Effects section, non-auditory physical effects and vessel strike are not expected to occur. NMFS expects that all potential takes would be in the form of short-term Level B behavioral harassment in the form of temporary avoidance of the area or decreased foraging (if such activity was occurring), reactions that are considered to be of low severity and with no lasting biological consequences (*e.g.,* Southall *et al.,* 2007). Even repeated Level B harassment of some small subset of an overall stock is unlikely to result in any significant realized decrease in viability for the affected individuals, and thus would not result in any adverse impact to the stock as a whole. As described above, Level A harassment is not expected to occur given the nature of the operations, the estimated size of the Level A harassment zones, and the required shutdown zones for certain activities.

In addition to being temporary, the maximum expected harassment zone around a survey vessel is 141 m; 75 percent of survey days would include activity with a reduced acoustic harassment zone of 48 m per vessel, producing expected effects of particularly low severity. Therefore, the ensonified area surrounding each vessel

is relatively small compared to the overall distribution of the animals in the area and their use of the habitat. Feeding behavior is not likely to be significantly impacted as prey species are mobile and are broadly distributed throughout the survey area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the temporary nature of the disturbance and the availability of similar habitat and resources in the surrounding area, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

There are no rookeries, mating or calving grounds known to be biologically important to marine mammals within the proposed survey area and there are no feeding areas known to be biologically important to marine mammals within the proposed survey area. There is no designated critical habitat for any ESA-listed marine mammals in the proposed survey area.

North Atlantic Right Whales

The status of the North Atlantic right whale population is of heightened concern and, therefore, merits additional analysis. As noted previously, elevated North Atlantic right whale mortalities began in June 2017 and there is an active UME. Overall, preliminary findings support human interactions, specifically vessel strikes and entanglements, as the cause of death for the majority of right whales. The proposed survey area overlaps a migratory corridor Biologically Important Area (BIA) for North Atlantic right whales (effective March–April and November–December) that extends from Massachusetts to Florida (LeBrecque *et al.,* 2015). Off the coast of Delaware, this migratory BIA extends from the coast to beyond the shelf break. Due to the fact that that the proposed survey activities are temporary and the spatial extent of sound produced by the survey would be very small relative to the spatial extent of the available migratory habitat in the BIA, right whale migration is not expected to be impacted by the proposed survey. Given the relatively small size of the ensonified area, it is unlikely that prey availability would be adversely affected by HRG survey operations. Required vessel strike avoidance measures will also decrease risk of ship strike during migration; no ship strike is expected to occur during Skipjack's proposed activities. Additionally, only very limited take by Level B harassment of North Atlantic right whales has been requested and is being proposed by NMFS as HRG survey operations are required to maintain a 500 m EZ and shutdown if a North Atlantic right whale is sighted at or within the EZ. The 500 m shutdown zone for right whales is conservative, considering the Level B harassment isopleth for the most impactful acoustic source (*i.e.,* GeoMarine Geo-Source 400 tip sparker) is estimated to be 141 m, and thereby minimizes the potential for behavioral harassment of this species. As noted previously, Level A harassment is not expected due to the small PTS zones associated with HRG equipment types proposed for use. NMFS does not anticipate North Atlantic right whales takes that would result from Skipjack's proposed activities would impact annual rates of recruitment or survival. Thus, any takes that occur would not result in population level impacts.

Other Marine Mammal Species With Active UMEs

As noted previously, there are several active UMEs occurring in the vicinity of Skipjack's proposed survey area. Elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through Florida since January 2016. Of the cases examined, approximately half had evidence of human interaction (ship strike or entanglement). The UME does not yet provide cause for concern regarding population-level impacts. Despite the UME, the relevant population of humpback whales (the West Indies breeding population, or distinct population segment (DPS)) remains stable at approximately 12,000 individuals.

Beginning in January 2017, elevated minke whale strandings have occurred along the Atlantic coast from Maine through South Carolina, with highest numbers in Massachusetts, Maine, and New York. This event does not provide cause for concern regarding population level impacts, as the likely population abundance is greater than 20,000 whales.

Elevated numbers of harbor seal and gray seal mortalities were first observed in July 2018 and have occurred across Maine, New Hampshire, and Massachusetts. Based on tests conducted so far, the main pathogen found in the seals is phocine distemper virus, although additional testing to identify other factors that may be involved in this UME are underway. The UME does not yet provide cause for concern regarding population-level impacts to any of these stocks. For harbor seals, the population abundance is over 75,000 and annual M/SI (350) is well below PBR (2,006) (Hayes *et al.,* 2020). The population abundance for gray seals in the United States is over 27,000, with an estimated abundance, including seals in Canada, of approximately 505,000. In addition, the abundance of gray seals is likely increasing in the U.S. Atlantic EEZ as well as in Canada (Hayes *et al.,* 2020).

The required mitigation measures are expected to reduce the number and/or severity of proposed takes for all species listed in Table 10, including those with active UME's to the level of least practicable adverse impact. In particular they would provide animals the opportunity to move away from the sound source throughout the survey area before HRG survey equipment reaches full energy, thus preventing them from being exposed to sound levels that have the potential to cause injury (Level A harassment) or more severe Level B harassment. No Level A harassment is anticipated, even in the absence of mitigation measures, or authorized.

NMFS expects that takes would be in the form of short-term Level B behavioral harassment by way of brief startling reactions and/or temporary vacating of the area, or decreased foraging (if such activity was occurring)—reactions that (at the scale and intensity anticipated here) are considered to be of low severity, with no lasting biological consequences. Since both the sources and marine mammals are mobile, animals would only be exposed briefly to a small ensonified area that might result in take. Additionally, required mitigation measures would further reduce exposure to sound that could result in more severe behavioral harassment.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality or serious injury is anticipated or proposed for authorization;
- No Level A harassment (PTS) is anticipated, even in the absence of mitigation measures, or proposed for authorization;
- Foraging success is not likely to be significantly impacted as effects on species that serve as prey species for marine mammals from the survey are expected to be minimal;

• The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the planned survey to avoid exposure to sounds from the activity;

• Take is anticipated to be primarily Level B behavioral harassment consisting of brief startling reactions and/or temporary avoidance of the survey area;

• While the survey area is within areas noted as a migratory BIA for North Atlantic right whales, the activities would occur in such a comparatively small area such that any avoidance of the survey area due to activities would not affect migration. In addition, mitigation measures to shutdown at 500 m to minimize potential for Level B behavioral harassment would limit any take of the species.

• The proposed mitigation measures, including visual monitoring and shutdowns, are expected to minimize potential impacts to marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

NMFS proposes to authorize incidental take of 16 marine mammal species (with 17 managed stocks.) The total amount of takes proposed for authorization is less than eight percent for one stock (bottlenose dolphin northern coastal migratory stock) and less than one percent of all other species and stocks, which NMFS preliminarily finds are small numbers of marine mammals relative to the estimated overall population abundances for those stocks. See Table 10. Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever NMFS proposes to authorize take for endangered or threatened species, in this case with NMFS Greater Atlantic Regional Fisheries Office (GARFO).

The NMFS Office of Protected Resources Permits and Conservation Division is proposing to authorize the incidental take of four species of marine mammals which are listed under the ESA: The North Atlantic right, fin, sei, and sperm whales. The Permits and Conservation Division has requested initiation of Section 7 consultation with NMFS GARFO for the issuance of this IHA. NMFS will conclude the ESA section 7 consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to Skipjack for conducting marine site characterization surveys off the coast of Delaware for one year from the date of issuance, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed marine site characterization surveys. We also request at this time comment on the potential Renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent Renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical, or nearly identical, activities as described in the Description of Proposed Activities section of this notice is planned or (2) the activities as described in the Description of Proposed Activities section of this notice would not be completed by the time the IHA expires and a Renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

• A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).

• The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

(2) A preliminary monitoring report showing the results of the required

monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: February 19, 2021.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–03821 Filed 2–23–21; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Dates added the Procurement List:* March 1, 2021 and March 8, 2021, as prescribed below.

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:

Additions

On 10/23/2020, 11/6/2020 and 11/20/2020, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to 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 material presented to it concerning capability of qualified nonprofit agencies to provide the service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the service(s) listed below are 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 any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service(s) to the Government.

2. The action will result in authorizing small entities to furnish the service(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 service(s) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service(s) are added to the Procurement List:

Service(s)

Service Type: Custodial Service.

Mandatory for: U.S. Air Force, Robins North Complex, Macon, GA.

Designated Source of Supply: Good Vocations, Inc., Macon, GA.

Contracting Activity: The Dept. of the Air Force, FA8571 AFSC PZIO MXW.

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the U.S. Air Force custodial service at Robins AFB North Complex, Macon, GA contract. The Federal customer contacted, and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the U.S. Air Force will refer its business elsewhere, this addition must be effective on March 1, 2021, ensuring timely execution for a March 1, 2021, start date while still allowing five (5) days for comment. The Committee also published a notice of proposed Procurement List addition in the **Federal Register** on October 23, 2020, and did not receive any comments from any interested persons, including from the incumbent contractor. This addition will not create a public hardship and has limited effect on the public at large, but, rather, will create new jobs for other affected parties—people with significant disabilities in the AbilityOne program who otherwise face challenges locating employment. Moreover, this addition will enable Federal customer operations to continue without interruption.

Service Type: Filter Maintenance Service.

Mandatory for: U.S. Navy, NAVFAC Mid Atlantic Division, Naval Station Great Lakes, IL.

Designated Source of Supply: Ada S. McKinley Community Services, Inc., Chicago, IL.

Contracting Activity: The Dept. of the Navy, Naval FAC Engineering CMD MID LANT.

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the U.S. Navy's Filter Maintenance, NAVFAC, Naval Station Great Lakes, IL contract. The Federal customer contacted, and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the U.S. Navy will refer its business elsewhere, this addition must be effective on March 1, 2021, ensuring timely execution for a March 1, 2021, start date while still allowing five (5) days for comment. Pursuant to its own regulation 41 CFR 51–2.4, the Committee has been in contact with one of the affected parties, the incumbent of the expiring contract, since March 2020 and determined that no severe adverse impact exists. The Committee also published a notice of proposed Procurement List addition in the **Federal Register** on November 6, 2020, and did not receive any comments from any interested persons, including from the incumbent contractor. This addition will not create a public hardship and has limited effect on the public at large, but, rather, will create new jobs for other affected parties—people with significant disabilities in the AbilityOne program who otherwise face challenges locating employment. Moreover, this addition will enable Federal customer operations to continue without interruption.

Service Type: Grounds Maintenance Service.

Mandatory for: U.S. Army, U.S. Army Communications-Electronics Command Headquarters, Aberdeen Proving Ground, MD.

Designated Source of Supply: Chimes District of Columbia, Baltimore, MD.

Contracting Activity: The Dept. of the Army, W6QK ACC–APG DIR.

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the U.S. Army's ground maintenance contract at the Communications-Electronics Command HQ, Aberdeen Proving Ground, MD. The Federal customer contacted, and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that the U.S. Army will refer its business elsewhere, this addition must be effective on March 7, 2021, ensuring timely execution for a March 8, 2021, start date while still allowing 12 days for comment. Pursuant to its own regulation 41 CFR 51–2.4, the Committee that the incumbent of the expiring contract would not

incur severe adverse impact, as the firm graduated from the Small Business Administration's 8(a) Program on October 14, 2019 and is not eligible therefore to bid on any solicitations set aside for 8(a) participants. The contracting activity indicated that if the project is not added to the AbilityOne Program, it would remain in the 8(a) Program. The Committee also published a notice of proposed Procurement List addition in the **Federal Register** on November 20, 2020, and did not receive any comments from any interested persons, including from the incumbent contractor. This addition will not create a public hardship and has limited effect on the public at large, but, rather, will create new jobs for other affected parties—people with significant disabilities in the AbilityOne program who otherwise face challenges locating employment. Moreover, this addition will enable Federal customer operations to continue without interruption.

Michael R. Jurkowski,

Deputy Director, Business & PL Operations.

[FR Doc. 2021–03791 Filed 2–23–21; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0095; Large Trader Reporting for Physical Commodity Swaps

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on the information collection requirements set out in the Commission's regulations concerning large trader reporting for physical commodity swaps.

DATES: Comments must be submitted on or before April 26, 2021.

ADDRESSES: You may submit comments, identified by ''3038–0095'' by any of the following methods:

- The Agency's website, at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.
- Please submit your comments using only one method and identify that it is for the renewal of Collection Number 3038–0095. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Tom Guerin, Counsel, Division of Data, Commodity Futures Trading Commission, (202) 418–5000; email: *tguerin@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 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 provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below.

Title: Large Trader Reporting for Physical Commodity Swaps, (OMB Control No. 3038–0095). This is a request for extension of a currently approved information collection.

Abstract: Part 20 of the Commission's regulations (''Reporting Rules'') requires clearing organizations and any persons that are ''reporting entities'' to file swaps position data with the Commission. The Reporting Rules collect clearing member reports from clearing organizations. The Reporting Rules also require position reports from reporting entities for principal and counterparty positions in cleared and uncleared physical commodity swaps. Reporting entities are those persons that are either ''clearing members'' or ''swap dealers'' that are otherwise not clearing members. For purposes of part 20, reporting parties are required to submit data on positions on a futures equivalent basis so as to allow the Commission to assess a trader's market impact across differently structured but linked derivatives instruments and markets. This renewal updates the total requested burden based on available reported data.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission estimates the burden of this collection of information as follows:

- *Estimated Number of Respondents:* 5,088.
- *Estimated Total Annual Number of Responses:* 41,608.
- *Estimated Total Annual Burden Hours:* 65,412.

[1] 17 CFR 145.9.

• *Estimated Average Annual Burden Hours per Response:* 1.57.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: February 19, 2021.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2021–03817 Filed 2–23–21; 8:45 am]

BILLING CODE 6351–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for AmeriCorps Enrollment and Exit Form

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Corporation for National and Community Service (CNCS, operating as AmeriCorps) is proposing to renew an information collection.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by April 26, 2021.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, Attention Sharron Tendai, 250 E Street SW, Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except federal holidays.

(3) Electronically through *www.regulations.gov.*

Comments submitted in response to this notice may be made available to the public through *regulations.gov.* For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Sharron Tendai, 202–606–3904, or by email at *stendai@cns.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: AmeriCorps Enrollment and Exit Form.

OMB Control Number: 3045–0006.

Type of Review: Renewal.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 296,000.

Total Estimated Number of Annual Burden Hours: 49,333.

Abstract: The AmeriCorps programs use the Enrollment and Exit form to collect information from potential AmeriCorps Members and from Members ending their term of service. AmeriCorps seeks to continue using the currently approved information collection until the revised information collection is approved by OMB. The currently approved information collection is due to expire on September 20, 2023.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on *regulations.gov.*

Dated: February 11, 2021.

Erin Dahlin,

Chief of Program Operations.

[FR Doc. 2021–03761 Filed 2–23–21; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL18–1–000]

Certification of New Interstate Natural Gas Facilities

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of inquiry.

SUMMARY: In this Notice of Inquiry, the Federal Energy Regulatory Commission (Commission) seeks new information and additional stakeholder perspectives to help the Commission explore whether it should revise its approach under the currently effective policy statement on the certification of new natural gas transportation facilities to determine whether a proposed natural gas project is or will be required by the public convenience and necessity, as that standard is established in section 7 of the Natural Gas Act.

DATES: Comments are due April 26, 2021.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

• Electronic Filing through *http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.

• *Mail/Hand Delivery:* Those unable to file electronically may mail comments via the U.S. Postal Service to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426. Hand-delivered comments or comments sent via any other carrier should be delivered to: Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT: Thomas Chandler (Legal Information), Office of the General Counsel, Federal

Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, 202–502–6699

Paige Espy (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, 202–502–6698

Brandon Cherry (Technical Information), Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, 202–502–8328

SUPPLEMENTARY INFORMATION:

1. On April 19, 2018, the Commission issued a Notice of Inquiry (2018 NOI) [1] seeking information and stakeholder perspectives to help the Commission explore whether, and if so how, it should revise its approach under the currently effective policy statement on the certification of new interstate natural gas transportation facilities (Policy Statement).[2] The 2018 NOI included an extensive background section discussing how the legal standards and historical context informed the creation of the Policy Statement in 1999, how the Commission's evaluations under the Policy Statement and, relatedly, under the National Environmental Policy Act of 1969 (NEPA) have evolved, and how changed circumstances since 1999 have invited the present review.[3] Specifically, the Commission sought input on whether, and if so how, the Commission should adjust: (1) Its methodology for determining whether there is a need for a proposed project, including the Commission's consideration of precedent agreements and contracts for service as evidence of such need; (2) its consideration of the potential exercise of eminent domain and of landowner interests related to a proposed project; and (3) its evaluation of the environmental impacts of a proposed project. The Commission also sought input on whether there are specific changes the Commission could consider implementing to improve the efficiency and effectiveness of its certificate processes including pre-filing, post-filing, and post-order issuance.

2. The Commission established a public comment period for the 2018 NOI that closed on July 25, 2018. In response to the 2018 NOI, the Commission received more than 3,000 comments from diverse stakeholders including landowners; tribal, federal, state, and local government officials; non-governmental organizations; consultants, academic institutions, and think tanks; natural gas producers, Commission-regulated companies, local distribution companies (LDCs), and industry trade organizations; electricity generators and utilities; and others. The Commission has, to date, not taken any further action in this proceeding.

Renewed Request for Comments

3. We note that there have been a range of changes since the Commission issued the 2018 NOI. These changes include the Council on Environmental Quality's (CEQ) promulgation of updated NEPA regulations for implementation by all federal agencies [4] and Executive Order 14008.[5] Accordingly, we are providing an opportunity for stakeholders to refresh the record and provide updated information and additional viewpoints to help the Commission assess its policy.

4. We seek comments that reflect additional information developed and insights gained during the interim period. We emphasize that we seek to build upon the existing record in this proceeding and will consider the previously submitted comments in this proceeding, as well as any additional comments received in response to this NOI, to inform the Commission's decision-making. We strongly urge stakeholders to not resubmit previously filed comments, which remain in the record of this proceeding. Additionally, we urge stakeholders to submit new or modified comments that clearly explain *why* the Commission should or should not take a specific course of action, as discussed in the questions posed below, and, more importantly, provide precise recommendations for *how* the Commission could implement such changes.

5. The Commission identified four general areas of examination in the 2018 NOI: (1) The reliance on precedent agreements to demonstrate need for a proposed project; (2) the potential exercise of eminent domain and landowner interests; (3) the Commission's evaluation of alternatives and environmental effects under NEPA and the Natural Gas Act (NGA); and (4) the efficiency and effectiveness of the Commission's certificate processes. These four general issue areas identified in the 2018 NOI remain relevant to the Commission's considerations, and we seek comments on several new questions in some of these areas that modify or add to the 2018 NOI.

6. In addition, in this NOI we identify and pose new questions on a fifth broad issue area of examination: The Commission's identification and addressing of any disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on environmental justice communities and the mitigation of those adverse impacts and burdens.[6] As noted above, in responding to these questions, we ask stakeholders to build upon the record developed through previously filed comments.

7. We seek comment on the questions set forth below, organized according to these five broad categories. Commenters need not answer every question enumerated below.

A. Potential Adjustments to the Commission's Determination of Need

8. The questions posed in the 2018 NOI remain relevant to the Commission's consideration of potential adjustments to its determination regarding whether there is a need for new projects. Questions A1 through A9 are identical to the questions posed in this section in the 2018 NOI. Stakeholders need not resubmit their previous comments in response to these questions. We ask that stakeholders respond to these questions only if they have updated information to provide. Questions A10 through A12 include revised or new questions. In providing an opportunity for stakeholders to submit additional information or new viewpoints, we encourage commenters to identify with specificity how any potential adjustments could be implemented by the Commission.

9. Accordingly, comments are requested on the following questions.

[1] *Certification of New Interstate Natural Gas Facilities,* 163 FERC ¶ 61,042 (2018) (2018 NOI).

[2] *Certification of New Interstate Natural Gas Pipeline Facilities,* 88 FERC ¶ 61,227 (1999), *clarified,* 90 FERC ¶ 61,128, *further clarified,* 92 FERC ¶ 61,094 (2000) (Policy Statement). The Commission must determine whether a proposed natural gas project is or will be required by the present or future public convenience and necessity, as that standard is established in section 7 of the Natural Gas Act (NGA). 15 U.S.C. 717f.

[3] 2018 NOI, 163 FERC ¶ 61,042, at PP 5–50.

[4] *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act,* 85 FR 43,304 (2020). CEQ's final rule directs agencies to propose revisions to their NEPA procedures consistent with the final rule by September 14, 2021. Further, the Commission's regulations provide that ''[t]he Commission will comply with the regulations of the Council on Environmental Quality except where those regulations are inconsistent with the statutory requirements of the Commission.'' 18 CFR 380.1.

[5] Exec. Order No. 14008, § 219, 86 FR 7619.

[6] Exec. Order No. 12898, §§ 1–101, 6–604, 59 FR 7629, at 7629, 7632 (1994).

A1. Should the Commission consider changes in how it determines whether there is a public need for a proposed project?

A2. In determining whether there is a public need for a proposed project, what benefits should the Commission consider? For example, should the Commission examine whether the proposed project meets market demand, enhances resilience or reliability, promotes competition among natural gas companies, or enhances the functioning of gas markets?

A3. Currently, the Commission considers precedent agreements, whereby entities intending to be shippers on the contemplated pipeline commit contractually to such shipments, to be strong evidence that there is a public need for a proposed project. If the Commission were to look beyond precedent agreements, what types of additional or alternative evidence should the Commission examine to determine project need? What would such evidence provide that cannot be determined with precedent agreements alone? How should the Commission assess such evidence? Is there any heightened litigation risk or other risk that could result from any broadening of the scope of evidence the Commission considers during a certificate proceeding? If so, how should the Commission safeguard against or otherwise address such risks?

A4. Should the Commission consider distinguishing between precedent agreements with affiliates and non-affiliates in considering the need for a proposed project? If so, how?

A5. Should the Commission consider whether there are specific provisions or characteristics of the precedent agreements that the Commission should more closely review in considering the need for a proposed project? For example, should the term of the precedent agreement have any bearing on the Commission's consideration of need or should the Commission consider whether the contracts are subject to state review?

A6. In its determinations regarding project need, should the Commission consider the intended or expected end use of the natural gas? Would consideration of end uses better inform the Commission's determination regarding whether there is a need for the project? What are the challenges to determining the ultimate end use of the new capacity a shipper is contracting for? How could such challenges be overcome?

A7. Should the Commission consider requiring additional or alternative evidence of need for different end uses? What would be the effect on pipeline companies, consumers, gas prices, and competition? Examples of end uses could include: LDC contracts to serve domestic use; contracts with marketers to move gas from a production area to a liquid trading point; contracts for transporting gas to an export facility; projects for reliability and/or resilience; and contracts for electric generating resources.

A8. How should the Commission take into account that end uses for gas may not be permanent and may change over time?

A9. Should the Commission assess need differently if multiple pipeline applications to provide service in the same geographic area are pending before the Commission? For example, should the Commission consider a regional approach to a needs determination if there are multiple pipeline applications pending for the same geographic area? Should the Commission change the way it considers the impact of a new project on competing existing pipeline systems or their captive shippers? If so, what would that analysis look like in practice?

A10. Should the Commission consider adjusting its assessment of need to examine (1) if existing infrastructure can accommodate a proposed project (beyond the system alternatives analysis examined in the Commission's environmental review);[7] (2) if demand in a new project's markets will materialize; or (3) if reliance on other energy sources to meet future demand for electricity generation would impact gas projects designed to supply gas-fired generators? If so, how?

A11. In its determination of need, should the Commission consider the economic, energy security and social attributes of domestic production and use of natural gas as detailed in the letter dated February 11, 2021 from the Chairman of the Senate Energy and Natural Resources Committee, Senator Joe Manchin III, to President Biden?[8]

A12. In its general public interest considerations under the NGA or other federal statutes, should the Commission consider the interests of low to middle-income communities in which the production or transportation of natural gas is a significant source of jobs and/or tax revenues that fund public services?

B. The Exercise of Eminent Domain and Landowner Interests

10. Under the Policy Statement, the Commission considers impacts to landowners and the extent to which an applicant expects to acquire property rights by relying on eminent domain. As explained in the 2018 NOI, although, by statute, Commission authorization of a project through the issuance of a certificate of public convenience and necessity entitles a certificate holder to acquire property through eminent domain, the Commission itself does not grant the use of eminent domain across specific properties. Only after the Commission authorizes a project can the project sponsor assert the right of eminent domain for outstanding lands for which it could not negotiate an easement.

11. Since the issuance of the 2018 NOI, the Commission has taken steps to protect landowner interests. First, the Commission updated its web resources for landowners and its notice documents (*e.g.,* Notice of Application) to more clearly explain the Commission's role in considering applications for natural gas infrastructure, how and when interested entities can participate in Commission proceedings, and how to resolve disputes that may arise during construction. Second, the Commission established a new group within the Rehearings Section of the Office of the General Counsel: The Landowner Rehearings Group. The Landowner Rehearings Group gives first priority to landowner rehearing requests and targets to issue rehearing orders involving landowner issues within 30 days. And third, the Commission issued a final rule that precludes the issuance of authorizations to proceed with construction activities with respect to an NGA section 3 authorization or section 7(c) certificate order until either the Commission acts on the merits of any timely-filed request for rehearing or the time for filing such a request has passed.[9]

12. We also note that Congress recently directed the Commission to develop a report detailing how it will establish and operate an Office of Public Participation.[10] Such an office could ultimately help facilitate landowner participation in Commission proceedings.

13. In natural gas infrastructure proceedings, the Commission continues to receive comments on applicants' proposed use of eminent domain and the Commission's use of conditional certificates—issuing a certificate before a pipeline receives all of its federal permits. Commenters have argued that the Commission should not issue conditional certificates and allow the exercise of eminent domain in cases where it is unlikely that a pipeline may

[7] We note that the Commission has previously declined to substitute its judgment for a company's business decision. *See, e.g., Nat. Gas Pipeline Co. of Am. LLC,* 171 FERC ¶ 61,157, at P 50 & n.117, *reh'g denied,* 172 FERC ¶ 61,084, at P 23 & n.42 (2020) (finding that the acquisition and use of a retired liquids pipeline was neither a feasible nor a practical alternative to the proposed project) (citing *Kinder Morgan Interstate Gas Transmission LLC,* 133 FERC ¶ 61,044, at P 25 (2010) (stating that the Commission will neither substitute its business judgment for that of the applicants nor require the applicant to acquire facilities that a party asserts is an alternative to the proposed project). *Cf. Gulf South Pipeline Co., LP,* 132 FERC ¶ 61,199, at P 63 (2010) (''the Commission gives deference to pipelines' operational experience and provides pipelines with reasonable discretion to manage their own systems'') (citations omitted)).

[8] February 11, 2021 Letter from Senator Joe Manchin III, Chairman of the Senate Committee on Energy and Natural Resources, to President Joseph R. Biden, *https://www.energy.senate.gov/services/files/5AB138AA-9FE9-4E8A-BA84-C87F101E9B51.*

[9] *Limiting Authorizations to Proceed with Construction Activities Pending Rehearing,* Order No. 871, 171 FERC ¶ 61,201 (2020), 85 FR 40113 (July 6, 2020).

[10] Consolidated Appropriations Act of 2021, Pub. L. 116–260, Explanatory Statement for Division D (2021).

receive the necessary permits.[11] The Commission precedent is that it lacks the authority to restrict a certificate holder's use of eminent domain once a certificate of public convenience and necessity is received.[12] In addition, the Commission has justified its policy for issuing conditional certificates on the basis that it:

is a practical response to the reality that, in spite of the best efforts of those involved, it may be impossible for an applicant to obtain all approvals necessary to construct and operate a natural gas project in advance of the Commission's issuance of its certificate without unduly delaying the project. To rule otherwise could place the Commission's administrative process indefinitely on hold until states with delegated federal authority choose to act. Such an approach, which would preclude companies from engaging in what are sometimes lengthy pre-construction activities while awaiting state or federal agency action, would likely delay the in-service date of natural gas infrastructure projects to the detriment of consumers and the public in general.[13]

14. The Commission's policy on issuing conditional certificates has been affirmed by the courts.[14]

15. Therefore, we invite new or revised comments on the following questions regarding whether, and if so how, the Commission should consider adjusting its consideration of the potential exercise of eminent domain and its consideration of landowner interests. Questions B1 through B5 are identical to the questions posed in this section in the 2018 NOI. Stakeholders need not resubmit their previous comments in response to these questions. We ask that stakeholders respond to these questions only if they have updated information to provide. Question B6 is a new question not included in the 2018 NOI.

B1. Should the Commission consider adjusting its consideration of the potential exercise of eminent domain in reviewing project applications? If so, how should the Commission adjust its approach?

B2. Should applicants take additional measures to minimize the use of eminent domain? If so, what should such measures be? How would that affect a project's overall costs? How could such a requirement affect an applicant's ability to adjust a proposed route based on public input received during the Commission's project review?

B3. For proposed projects that will potentially require the exercise of eminent domain, should the Commission consider changing how it balances the potential use of eminent domain against the showing of need for the project? Since the amount of eminent domain used cannot be established with certainty until after a Commission order is issued, is it possible for the Commission to reliably estimate the amount of eminent domain a proposed project may use such that the Commission could use that information during the consideration of an application?

B4. Does the Commission's current certificate process adequately take landowner interests into account? Are there steps that applicants and the Commission should implement to better take landowner interests into account and encourage landowner participation in the process? If so, what should the steps be?

B5. Should the Commission reconsider how it addresses applications where the applicant is unable to access portions of the right-of-way? Should the Commission consider changes in how it considers environmental information gathered after an order authorizing a project is issued?

B6. Under the NGA, does the Commission have authority to condition a certificate holder's exercise of eminent domain? Should the Commission defer issuing a section 7 certificate until an applicant has all other authorizations needed to commence construction? If so, can the Commission reconcile such inaction with section 7(e) of the NGA, which provides that the Commission shall issue a certificate to any qualified applicant upon finding that the proposed construction and operation of the project "*is or will be* required by the present or future public convenience and necessity"?[15] Are there circumstances when an applicant may need a certificate of public convenience and necessity prior to receiving certain permits or authorizations, making it difficult for an applicant to obtain all other authorizations needed to commence construction prior to the Commission's issuance of a section 7 certificate?

C. The Commission's Consideration of Environmental Impacts

16. As explained in the 2018 NOI, the Commission performs an environmental review under NEPA and considers a proposed project's environmental impacts when determining whether a project is required by the public convenience and necessity. There continues to be stakeholder interest regarding the alternatives that the Commission evaluates in its environmental review and how the Commission addresses climate change, including the impact of greenhouse gas (GHG) emissions. In addition, is it appropriate for the Commission to review how it implements NEPA, including its consideration of categorical exclusions?

17. Therefore, the Commission invites new or revised comments regarding whether and if so how, the Commission should consider adjusting its environmental evaluations. Questions C1 through C11 include revised or new questions.

C1. NEPA and its implementing regulations require an agency to consider reasonable alternatives to the proposed action. Currently the Commission considers the no-action alternative, system alternatives, design alternatives, and route alternatives. Should the Commission consider broadening its environmental analysis to consider alternatives beyond those that are currently included? If so, how does the Commission reconcile broadening its environmental analysis to consider alternatives beyond those currently included with *Citizens Against Burlington, Inc.* v. *Busey*?[16] The U.S. Court of Appeals for the District of Columbia Circuit clarified that,

[i]n commanding agencies to discuss "alternatives to the proposed action," . . . NEPA plainly refers to alternatives to the "major *Federal* actions significantly affecting the quality of the human environment," and not to alternatives to the applicant's proposal. NEPA § 102(2)(C), 42 U.S.C. 4332(2)(C) (emphasis added). An agency cannot redefine the goals of the proposal that arouses the call for action; it must evaluate alternative ways of achieving *its* goals, shaped by the application at issue and by the function that the agency plays in the decisional process. Congress did expect agencies to consider an applicant's wants when the agency formulates the goals of its own proposed action. Congress did not expect agencies to determine for the applicant what the goals of the applicant's proposal should be.[17]

What specific types of additional alternatives should the Commission consider and how would such additional alternatives be consistent with the D.C. Circuit's guidance in *Citizens Against Burlington, Inc.* v. *Busey*?[18] How would the Commission obtain reliable information to perform an analysis of these alternatives?

C2. Are there any environmental impacts that the Commission does not currently

[11] *See, e.g., Jordan Cove Energy Project L.P.,* 170 FERC ¶ 61,202, at P 191 (2020).

[12] *See, e.g.,* PennEast Pipeline Co., LLC, 174 FERC ¶ 61,056, at P 10 & n.17 (2021) (collecting cases); *Midcoast Interstate Transmission, Inc.* v. *FERC,* 198 F.3d 960, 973 (D.C. Cir. 2000) ("Once a certificate has been granted, the statute allows the certificate holder to obtain needed private property by eminent domain. . . . The Commission does not have the discretion to deny a certificate holder the power of eminent domain." (citations omitted)); *Atl. Coast Pipeline,* 161 FERC ¶ 61,042 at P 78 ("[O]nce a natural gas company obtains a certificate of public convenience and necessity, it may exercise the right of eminent domain in a U.S. District Court or a state court.").

[13] *Northwest Pipeline, GP,* 145 FERC ¶ 61,013, at P 16 (2013). *See, e.g., Jordan Cove Energy Project L.P.,* 171 FERC ¶ 61,136, at P 81 (2020); *PennEast Pipeline Co., LLC,* 164 FERC ¶ 61,098, (2018); *Algonquin Gas Transmission, LLC,* 161 FERC ¶ 61,255, at P 22 (2017); *Tenn. Gas Pipeline Co., L.L.C.,* 154 FERC ¶ 61,191, at P 34 (2016); *Ruby Pipeline, L.L.C.,* 133 FERC ¶ 61,015, at P 20 (2013); *AES Sparrows Point LNG, LLC,* 129 FERC ¶ 61,245, at P 60 (2009); *Crown Landing, LLC,* 117 FERC ¶ 61,209, at P 26 (2006).

[14] *See Delaware Riverkeeper Network* v. *FERC,* 857 F.3d 388 (D.C. Cir. 2017); *Myersville Citizens for a Rural Cmty., Inc.* v. *FERC,* 783 F.3d 1301 (D.C. Cir. 2015).

[15] 15 U.S.C. 717f(e) (emphasis added).

[16] *See Citizens Against Burlington, Inc.* v. *Busey,* 938 F.2d 190, 199 (D.C. Cir. 1991).

[17] *Id.*

[18] *Id.*

consider in its cumulative impact analysis that could be captured with a broader regional evaluation? If so, how broadly should regions be defined (*e.g.,* which states or geographic boundaries best define different regions), and which environmental resources considered in NEPA would be affected on a larger, regional scale? Does the text of NGA section 7 permit the Commission to do this? If this is contemplated by the NGA, would one applicant's section 7 application prejudice another applicant's section 7 application?

C3. In conducting an analysis of a project, how could the Commission consider upstream impacts (*e.g.,* from the drilling of natural gas wells) and downstream end-use impacts? Should applicants be required to provide information on the origin and end use of the gas? How would the Commission determine end-use impacts if the gas is sent to a pooling point or a mid-stream shipper? If the end use is electric generation or an LDC, how would the Commission determine the GHG emissions of existing and anticipated gas usage attributed to a project? How would additional information related to upstream or downstream impacts of a proposed project inform the Commission's decision on an application? Should shippers who have subscribed capacity on a project (or potentially, the shippers' customers) be encouraged to provide the type of information contemplated above? If so, how might this be done? How could such a policy be squared with CEQ's final rule? [19]

C4. In conducting an analysis of the impact of a project's GHG emissions, how could the Commission determine the significance of these emissions' contribution to climate change? Should significance criteria be based on a specific fraction of existing carbon budgets in international agreements; state or regional targets; a specific fraction of natural carbon sinks; or other metrics? If so, how and why would that basis be appropriate? Alternatively, should the Commission focus its analysis on GHG emission impacts on global climate metrics (*e.g.,* CO_2 levels, ocean acidification, sea level rise) or regional impacts (*e.g.,* snowpack, storm events, local temperature changes)? If so, how and why would that basis be appropriate? What would be an appropriate GHG climate model for use on a project-level basis? Is there any level of GHG emissions that would constitute a *de minimis* impact? If so, how much and why would such number be appropriate? How would such analysis meaningfully inform the Commission's decision making?

C5. As part of the Commission's public interest determination, how would the Commission weigh a proposed project's adverse impacts against favorable impacts to determine whether the proposed project is required by the public convenience and necessity and still provide regulatory certainty to stakeholders?

C6. Does the NGA, NEPA, or other federal statute authorize or mandate the use of Social Cost of Carbon (SCC) analysis by the Commission in its consideration of certificate applications? If so, how does the statute direct or authorize the Commission to use SCC? Does the statute set forth specific metrics or quantitative analyses that the Commission must or may use and/or specific findings of fact the Commission must or may make with regard to SCC analysis of a certificate application? Does the statute set forth specific remedies the Commission must or may implement based on specific SCC findings of fact?

C7. If the Commission chooses to use the SCC tool, how could it be used to determine whether a proposed project is required by the public convenience and necessity? [20] How would the Commission determine the appropriate discount rate to use? Should the Commission consider multiple discount rates or one discount rate? Please provide support for each option. How could the Commission use the SCC tool in the weighing of the costs versus benefits of a proposed project? How could the Commission acquire complete information to appropriately quantify all of the monetized costs/negative impacts and monetized benefits of a proposed project? Should the Commission use the tool to determine whether a project has significant effects on climate? If so, how could the Commission connect the SCC estimate with the actual effects of the project? What level of cost would be significant and why?

C8. Are there alternatives to the SCC tool that the Commission should consider using? If so, how could the Commission use those tools?

C9. How could the Commission determine whether a proposed project's GHG emissions are offset by reduced GHG emissions resulting from the project's operations (*e.g.,* displacing a more carbon-intensive fuel source such as coal or fuel oil)?

C10. How could the Commission impose GHG emission limits or mitigation to reduce the significance of impacts from a proposed project on climate change? Can the Commission interpret its authority under NGA section 7(e) to permit it to mitigate GHG emissions? [21] If the Commission decides to impose GHG emission limits, how would the Commission determine what limit, if any, is appropriate? Should GHG mitigation be considered only for direct project GHG emissions or should downstream end-use, or upstream emissions also be evaluated? What are the options or methods applicants could propose to mitigate GHG emissions through offsets or other means?

C11. What categorical exclusions established by other agencies should the Commission consider adopting? [22] Why is it appropriate for the Commission to adopt those categorical exclusions? Should the Commission consider establishing new categorical exclusions that modify the existing categorical exclusions of other agencies? Should the Commission consider adding new categorical exclusions for actions where there is no construction or restoration activities and the environment is not involved? Those actions could include, but are not limited to, modifications to certificated capacity that involve no construction or ground disturbance, modifications to export/import volumes at border crossing facilities if there are no changes to the facilities, rate amendments, NGA section 7(f) service area determinations, conversion of NGA section 7 facilities to section 3 authorizations, limited jurisdiction certificates, etc. Are there other actions that could benefit from a categorical exclusion and would be consistent with the Commission's obligations under NEPA?

D. Improvements to the Efficiency of the Commission's Review Process

18. As explained in the 2018 NOI, the Commission desires to improve the transparency, efficiency, and predictability of the Commission's certification process.[23] Inefficiencies in project decision-making can delay infrastructure investments, increase project costs, and block infrastructure that would benefit the economy. Since issuance of the 2018 NOI, there have been several administrative (*e.g.,* Executive Orders), regulatory, and statutory changes that impact the Commission's review process.

19. The Commission invites new or revised comments on the following

[19] *See Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act,* 85 FR 43,304–01 (''CEQ proposed to simplify the definition of effects by striking the specific references to direct, indirect, and cumulative effects and providing clarity on the bounds of effects consistent with the Supreme Court's holding in *Public Citizen,* 541 U.S. at 767–68.''); 40 CFR 1508.1 (2020) (''Effects or impacts means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives, including those effects that occur at the same time and place as the proposed action or alternatives and may include effects that are later in time or farther removed in distance from the proposed action or alternatives.'').

[20] *See, e.g., EarthReports, Inc.* v. *FERC,* 828 F.3d 949, 956 (D.C. Cir. 2016) (finding that ''petitioners provide no reason to doubt the reasonableness of the Commission's conclusion'' that '' 'it would not be appropriate or informative to use for this project' for three reasons: the lack of consensus on the appropriate discount rate leads to 'significant variation in output[,]' the tool 'does not measure the actual incremental impacts of a project on the environment[,]' and 'there are no established criteria identifying the monetized values that are to be considered significant for NEPA purposes.' '') (citation omitted).

[21] *See American Elec. Power Co., Inc.* v. *Connecticut,* 564 U.S. 410, 428 (''It is altogether fitting that Congress designated an expert agency, here, EPA, as best suited to serve as primary regulator of greenhouse gas emissions.'').

[22] *See, e.g.,* National Environmental Policy Act—Categorical Exclusions, 74 FR 33,204 (July 10, 2009) (Department of Commerce); National Park Service, Department of the Interior Departmental Manual, Series 31, Part 516, Chapter 12, at 12.5(B)(1) (May 27, 2004); Department of Transportation, Order No. 5610.1C, at 4.c(3) (Sept. 18, 1979, subsequently amended on July 13, 1982 and July 30, 1985); 43 CFR 46.210(i) (Department of the Interior); 10 CFR part 1021, subpart D, Appendix A, A 5 (Department of Energy). *See also Staff Presentation on Categorical Exclusions under the National Environmental Policy Act (RM21–10–000),* FERC (Jan. 19, 2021), *https://cms.ferc.gov/news-events/news/staff-presentation-categorical-exclusions-under-national-environmental-policy-act* (listing examples of other agencies' categorical exclusions).

[23] *E.g., Tenn. Gas Pipeline Co., L.L.C.,* 162 FERC ¶ 61,167, at PP 49–51 (2018) (order addressing timely intervention).

questions regarding its certificate application review process. Questions D2 and D3 are identical to the questions posed in this section in the 2018 NOI. Stakeholders need not resubmit their previous comments in response to these questions. We ask that stakeholders respond to these questions only if they have updated information to provide. Questions D1 and D4 include revised questions.

D1. Should certain aspects of the Commission's application review process (*i.e.,* pre-filing, post-filing, and post-order-issuance) be condensed, performed concurrently with other activities, or eliminated, to make the overall process more efficient? If so, what specific changes could the Commission consider implementing?

D2. Should the Commission consider changes to the pre-filing process? How can the Commission ensure the most effective participation by interested stakeholders during the pre-filing process and how would any such changes affect the implementation and duration of the pre-filing process?

D3. Are there ways for the Commission to work more efficiently and effectively with other agencies, federal and state, that have a role in the certificate review process? If so, how?

D4. Are there classes of projects that should appropriately be subject to a more efficient process? What would the more efficient process entail?

E. The Commission's Consideration of Effects on Environmental Justice Communities

20. The term ''environmental justice community'' could encompass (i) populations of color; (ii) communities of color; (iii) Native communities; and (iv) and low-income rural and urban communities, who are exposed to a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.[24] While not mandatory, Executive Order 12898 encourages independent agencies to identify and address, as part of their NEPA review, ''disproportionately high and adverse human health or environmental effects'' of their actions on minority and low-income populations.[25] The order does not explain how an agency should satisfy this goal, instead the specific implementation has been developed in guidance documents.[26]

21. Executive Order 14008, issued by President Biden on January 27, 2021, directs federal agencies to develop ''programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts.'' [27] Among other things, the order also creates a government-wide Justice40 Initiative with the goal of delivering 40% of the overall benefits of relevant federal investments to disadvantaged communities and tracks agency performance toward that goal through the establishment of an Environmental Justice Scorecard.[28]

22. The Commission conducts its environmental justice analyses in several steps. First, when evaluating proposed projects, the Commission has used the Environmental Protection Agency's Environmental Justice Mapping and Screening Tool (EJSCREEN) to inform its assessment of the potential presence of environmental justice communities in the chosen areas of analysis.[29] The Commission also identifies any potentially affected environmental justice communities based on annual statistical information from the U.S. Census Bureau. Next, the Commission determines which, if any, of the project's impacts could affect the identified communities. Then the Commission determines whether the impacts on these environmental justice communities would be disproportionately high and adverse. This analysis involves comparing the impacts on these communities to the impacts on a reference group. The analysis also varies based on the project scope and based on population-specific factors that could amplify the population's experienced effect of a given project impact on the affected environment. Concerns raised in certificate proceedings regarding environmental justice in addition to the recent issuance of Executive Order 14008 have prompted the Commission to examine whether and if so how, the Commission should consider adjusting its approach to analyzing the impacts of a proposed project on environmental justice communities. The Commission seeks comment on the following questions:

E1. Should the Commission change how it identifies potentially affected environmental justice communities? Why and if so, how? Specifically, what criteria should the Commission consider?

E2. Are there concerns regarding environmental justice communities' participation in past Commission proceedings? If so, what are the concerns? Please provide concrete examples.

E3. What measures can the Commission take to ensure effective participation by environmental justice communities in the certificate review process?

E3. When evaluating disproportionately high and adverse effects on environmental justice communities, should the Commission change how it considers the location or distribution of a project's impacts? If so, how?

E4. When evaluating disproportionately high and adverse effects on environmental justice communities, should the Commission change how it considers population-specific factors that can amplify the experienced effect, such as ecological, visual, historical, cultural, economic, social, or health factors? If so, how? Should the Commission change how it considers multiple or cumulative adverse exposures and historical patterns of exposure to pollution or other environmental hazards? If so, how? How can the Commission obtain high-quality information about cumulative impacts (*e.g.,* data on cancer clusters and asthma rates)?

E5. Does the NGA, NEPA, or other federal statute set forth specific duties for the Commission to fulfill regarding environmental justice analyses in certificate proceedings under the NGA?

E6. Should the Commission establish a method for evaluating mitigation for impacts on environmental justice communities (*e.g.,* development projects in the local area)? If so, how should it mitigate to ensure the least disproportionate impact or eliminate the disproportionate burden on environmental justice communities? Would such mitigation be consistent with NGA section 7(e), which provides that ''[t]he Commission shall have the power to attach to the issuance of the certificate and to the exercise of the rights granted thereunder such reasonable terms and conditions as the public convenience and necessity may require''? [30]

E7. Does the NGA, NEPA, or other federal statute set forth specific remedies for the Commission to implement based on factual findings of environmental justice metrics or defined impacts? Do these statutory remedies include rejection of a proposed project otherwise found to be needed to serve the public interest? Which other remedies are authorized by statute?

Comment Procedures

23. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice, including any related matters or

[24] *Cf.* Exec. Order No. 14008, § 219, 86 FR 7619, at 7629 (2021); *see also* EPA, *EJ 2020 Glossary* (Aug. 2, 2019), *https://www.epa.gov/environmentaljustice/ej-2020-glossary.*

[25] Exec. Order No. 12898, §§ 1–101, 6–604, 59 FR 7629, at 7629, 7632.

[26] *E.g.,* CEQ, *Environmental Justice: Guidance Under the National Environmental Policy Act* (1997); Federal Interagency Working Group for Environmental Justice and NEPA Committee, *Promising Practices for EJ Methodologies in NEPA Reviews* (2016).

[27] Exec. Order No. 14008, § 219, 86 FR 7619, 7629; *see also* The White House, *Fact Sheet: President Biden Takes Executive Actions to Tackle the Climate Crisis at Home and Abroad, Create Jobs, and Restore Scientific Integrity Across Federal Government* (2021).

[28] Exec. Order No. 14008, § 223, 86 FR 7619, 7631–32.

[29] *See, e.g., Jordan Cove Energy Project L.P.,* 171 FERC ¶ 61,136, at P 128 (2020).

[30] 15 U.S.C. 717f(e).

alternative proposals that commenters may wish to discuss. Comments are due April 26, 2021. Comments must refer to Docket No. PL18–1–000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments.

24. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's website at *http://www.ferc.gov.* The Commission accepts most standard word-processing formats. Documents created electronically using word-processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

25. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number PL18–1–000.

26. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

Document Availability

27. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). 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.

28. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

29. User assistance is available for eLibrary and the Commission's website during normal business hours. For assistance, please contact the Commission's Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659 or email at *public.referenceroom@ferc.gov.*

By direction of the Commission.

Issued: Issued February 18, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–03808 Filed 2–23–21; 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 exempt wholesale generator filings:

Docket Numbers: EG21–90–000.
Applicants: Cool Springs Solar, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Cool Springs Solar, LLC.
Filed Date: 2/17/21.
Accession Number: 20210217–5140.
Comments Due: 5 p.m. ET 3/10/21.

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

Docket Numbers: ER21–1163–000.
Applicants: NextEra Energy Transmission MidAtlantic, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: NEET submits Revisions to PJM Tariff Att. H–33B re ADIT Calculation to be effective 10/29/2020.
Filed Date: 2/17/21.
Accession Number: 20210217–5114.
Comments Due: 5 p.m. ET 3/10/21.

Docket Numbers: ER21–1164–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2021–02–17 Filing to Expedite Effectiveness of and Modify Tariff Provision to be effective 2/17/2021.
Filed Date: 2/17/21.
Accession Number: 20210217–5115.
Comments Due: 5 p.m. ET 2/19/21.

Docket Numbers: ER21–1165–000.
Applicants: Purge Energy LLC.
Description: Baseline eTariff Filing: Tariffs and Agreements to be effective 2/18/2021.
Filed Date: 2/18/21.
Accession Number: 20210218–5002.
Comments Due: 5 p.m. ET 3/11/21.

Docket Numbers: ER21–1166–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to WMPA, Service Agreement No. 5694; Queue No. AF1–022 to be effective 6/11/2020.
Filed Date: 2/18/21.
Accession Number: 20210218–5018.
Comments Due: 5 p.m. ET 3/11/21.

Docket Numbers: ER21–1167–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1977R15 Nemaha-Marshall Electric Cooperative NITSA and NOA to be effective 2/1/2021.
Filed Date: 2/18/21.
Accession Number: 20210218–5046.
Comments Due: 5 p.m. ET 3/11/21.

Docket Numbers: ER21–1168–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA No. 5956; Queue No. AB2–172/AE1–087 to be effective 1/22/2021.
Filed Date: 2/18/21.
Accession Number: 20210218–5081.
Comments Due: 5 p.m. ET 3/11/21.

Docket Numbers: ER21–1169–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2021–02–18_SA 3482 ATC-Paris Solar Energy Center 1st Rev GIA (J878) to be effective 2/3/2021.
Filed Date: 2/18/21.
Accession Number: 20210218–5093.
Comments Due: 5 p.m. ET 3/11/21.

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

Docket Numbers: ES21–32–000.
Applicants: Horizon West Transmission, LLC.
Description: Application under Section 204 of the Federal Power Act for Authorization to Issue Securities for Horizon West Transmission, LLC.
Filed Date: 2/18/21.
Accession Number: 20210218–5075.
Comments Due: 5 p.m. ET 3/11/21.

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 18, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–03811 Filed 2–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1061–103]

Pacific Gas and Electric Company; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

February 18, 2020.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 1061–103.

c. *Date filed:* August 24, 2020.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* Phoenix Hydroelectric Project.

f. *Location:* The existing project is located on the South Fork Stanislaus River and in the Tuolumne River Basin, in Tuolumne County, California. The project occupies 56.78 acres of federal land administered by the U.S. Forest Service and 2.14 acres administered by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Jan Nimick, Vice President, Power Generation, Pacific Gas and Electric Company, 245 Market Street, San Francisco, CA 94105, (415) 973–0629.

i. *FERC Contact:* Jim Hastreiter, (503) 552–2760 or *james.hastreiter@ferc.gov.*

j. *Deadline for filing motions to intervene and protests and requests for cooperating agency status:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.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 at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). 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–1061–103.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. *The Phoenix Project consists of:* (1) A 535-foot-long and 132-foot-high concrete arch dam on the South Fork Stanislaus River; (2) a 172.3 acre reservoir; (3) a 133.1-foot-long and 20-foot-high concrete arch cushion dam; (4) a 15.38-mile-long Main Tuolumne Canal (MTC); (5) a Header Box (forebay); (6) a 5,611-foot-long penstock; and (7) a powerhouse with an impulse turbine rated at 1.6 megawatts.

m. 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 website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. 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.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Issue Scoping Document 1 for comments.	March 2021.
Request Additional Information (if necessary).	May 2021.
Issue Scoping Document 2 ...	June 2021.
Issue notice of ready for environmental analysis.	June 2021.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: February 18, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–03798 Filed 2–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC21–11–000]

Commission Information Collection Activities (FERC–516G); Comment Request; Revision and Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–516G.

DATES: Comments on the collection of information are due April 26, 2021.

ADDRESSES: You may submit comments (identified by Docket No. IC21–11–000) by any of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *U.S. Postal Service Mail:* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.
- Effective July 1, 2020, delivery of filings other than by eFiling or the U.S. Postal Service should be delivered to Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at: *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at: *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.govO,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–516G, Electric Rate Schedules and Tariff Filings.

OMB Control No.: 1902–0295.

Type of Request: Three-year renewal of FERC–516G.

Type of Respondents: Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs).

Abstract: In this information collection (IC) request, the Commission seeks renewal of FERC–516G, which pertains to the operation of organized wholesale electric power markets operated by RTOs/ISOs. This IC includes a one-time requirement that RTOs and ISOs establish a website and modify their respective tariffs to include the transmission constraint penalty factors used in its market software, as well as the circumstances under which those factors can set locational marginal prices, and any process by which they can be changed. All current RTOs and ISOs have complied with the one-time requirement, but the Commission seeks to renew this requirement in case a new RTO or ISO is established.

In addition, this IC requires that each RTO/ISO: (1) Report, on a monthly basis, uplift payments [1] for each transmission zone, broken out by day and uplift category; (2) report, on a monthly basis, total uplift payments for each resource; and (3) report, on a monthly basis, for each operator-initiated commitment, the size of the commitment, transmission zone, commitment reason, and commitment start time.

Necessity of Information: The Commission implements this collection of information to improve competitive wholesale electric markets in the RTO/ISO regions.

Estimate of Annual Burden: [2] The Commission believes that the burden estimates below are representative of the average burden on respondents, including necessary communications with stakeholders. The estimated burden and cost [3] follow:

FERC–516G ESTIMATED ANNUAL BURDENS

Type of response	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) × (2) = (3)	Average burden hours & cost per response (4)	Total annual burden hours & total annual cost (3) × (4) = (5)	Cost per respondent ($) (5) ÷ (1)
One-Time Establishment of Website and Tariff Filing.	1	1	1	500 hrs.; $38,860	500 hrs.; $38,860	$38,860
Posting of Monthly Reports on Website.	6	12	72	3 hrs.; $233.16	216 hrs.; $16,787.52	$233.16
Totals	7	13	73		716 hrs.; $55,647.52	NA

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use

[1] RTOs and ISOs may make such payments to resources that experience a shortfall between what the resources offer and the revenue they realize through market-clearing prices.

[2] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[3] The hourly cost (for salary plus benefits) was calculated by using data from the Bureau of Labor Statistics for three positions involved in the reporting and recordkeeping requirements. These figures include salary (*https://www.bls.gov/oes/current/oes_nat.htm*) and benefits (*http://www.bls.gov/news.release/ecec.nr0.htm*) and are:

- Manager (Occupation Code 11–0000): $94.84/hour.
- Engineer (Occupation Code 17–2071): $85.71/hour.
- File Clerk (Occupation Code 43–4071): $52.60/hour.

The hourly cost for the reporting requirements ($77.72) is an average of the cost of a manager, an engineer, and a file clerk.

of automated collection techniques or other forms of information technology.

Dated: February 18, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–03804 Filed 2–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–10–000]

Modernizing Electricity Market Design; Notice of Technical Conference on Resource Adequacy in the Evolving Electricity Sector

Take notice that the Federal Energy Regulatory Commission (Commission) will convene a Commissioner-led technical conference in the above-referenced proceeding on Tuesday March 23, 2021 from approximately 9:00 a.m. to 4:00 p.m. and Wednesday March 24, 2021 from approximately 9:00 a.m. to 12:00 p.m. Eastern time. The conference will be held remotely. The Commission will issue a supplemental notice providing the agenda for the technical conference.

The conference will be open for the public to attend remotely. There is no fee for attendance. Information on this event will be posted on the Calendar of Events on the Commission's website, *www.ferc.gov,* prior to the event.

The conference will be transcribed. Transcripts will be available for a fee from Ace Reporting (202–347–3700).

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

For more information about this technical conference, please contact David Rosner at *david.rosner@ferc.gov* or Emma Nicholson at *emma.nicholson@ferc.gov.* For information related to logistics, please contact Sarah McKinley at *sarah.mckinley@ferc.gov* or (202) 502–8368.

Dated: February 18, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–03807 Filed 2–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC21–9–000]

Commission Information Collection Activities (Ferc–725u); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on a renewal of currently approved information collection, FERC–725U (Mandatory Reliability Standards: Reliability Standard CIP–014–2), which will be submitted to the Office of Management and Budget (OMB) for review.

DATES: Comments on the collection of information are due March 26, 2021.

ADDRESSES: Send written comments on the information collections to OMB through *www.reginfo.gov/public/do/PRAMain.* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number (1902–0274) in the subject line of your comments. Comments should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.*

Please submit copies of your comments to the Commission. You may submit copies of your comments (identified by Docket No. IC21–9–000) by one of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov.*
- *U.S. Postal Service Mail:* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.
- Delivery of filings other than by eFiling or the U.S. Postal Service should be delivered to Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at *www.reginfo.gov/public/do/PRAMain.* Using the search function under the ''Currently Under Review'' field, select Federal Energy Regulatory Commission; click ''submit,'' and select ''comment'' to the right of the subject collection. *FERC submissions* must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–725U (Mandatory Reliability Standards: Reliability Standard CIP–014–2).

OMB Control No.: 1902–0274.

Type of Request: Three-year approval of the FERC–725U information collection requirements, with no changes to the reporting or recordkeeping requirements.

Abstract: On August 8, 2005, the Electricity Modernization Act of 2005, which is Title XII of the Energy Policy Act of 2005 (EPAct 2005), was enacted into law. EPAct 2005 added a new section 215 to the Federal Power Act (FPA),[1] which requires a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO, subject to Commission oversight, or by the Commission independently. Section 215 of the FPA requires a Commission-certified ERO to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO subject to Commission oversight or by the Commission independently. In 2006, the Commission certified NERC (now called the North American Electric Reliability Corporation) as the ERO pursuant to section 215 of the FPA. Reliability Standard CIP–014–2 requires applicable transmission owners and transmission operators to identify and protect transmission stations and transmission substations, and their associated primary control centers that if rendered inoperable or damaged resulting from a physical attack could result in widespread instability, uncontrolled separation, or cascading within an Interconnection.

In terms of information collection requirements, an applicable entity must

[1] 16 U.S.C. 824*o.*

create or maintain documentation showing compliance, when appropriate, with each requirement of the Reliability Standard. This Reliability Standard CIP–014–2 has six requirements. Transmission owners and transmission operators must keep data or evidence to show compliance with the standard for three years unless directed by its Compliance Enforcement Authority. If a responsible entity is found non-compliant, it must keep information related to the non-compliance until mitigation is complete and approved, or for three years, whichever is longer.

Type of Respondents: Intrastate natural gas and Hinshaw pipelines.

Estimate of Annual Burden [2] *and Cost* [3]: The Commission estimates the total Public Reporting Burden for the FERC–725U information collection as:

FERC–725U

[Mandatory reliability standards: Reliability standard CIP–014]

	Number of respondents [4] (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours & cost per response (4)	Total annual burden hours & total annual cost (3) * (4) = (5)	Average annual cost per respondent (5) ÷ (1)
Annual Reporting and Recordkeeping.	336	1	336	32.71 hrs.; $2,714.93 ..	10,991 hrs.; $912,253	$2,714,93
Total FERC–725U	336	1	336	32.71 hrs.; $2,714.93 ..	10,991 hrs.; $912,253	$2,714.93

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) 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.

Dated: February 18, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–03802 Filed 2–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3409–032]

Boyne USA, Inc.; Notice of Intent To Prepare an Environmental Assessment

On January 31, 2020, Boyne USA, Inc. filed an application for a subsequent minor license to continue operating the existing, licensed, 250-kilowatt Boyne River Hydroelectric Project No. 3409 (Boyne River Project). The project is located on the Boyne River in Boyne Valley Township, Charlevoix County, Michigan. The project does not occupy federal land.

In accordance with the Commission's regulations, on November 24, 2020, Commission staff issued a notice that the project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to license the Boyne River Project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA	June 2021.[1]
Comments on EA	July 2021.

[1] The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. This notice establishes the Commission's intent to prepare an EA for the Boyne River Project. Therefore, in accordance with CEQ's regulations, the EA must be issued within 1 year of the issuance date of this notice.

Any questions regarding this notice may be directed to Patrick Ely at *patrick.ely@ferc.gov* or (202) 502–8570.

Dated: February 18, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–03801 Filed 2–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. AD21–6–000; AD20–6–000]

RTO/ISO Credit Principles and Practices; Credit Reforms in Organized Wholesale Electric Markets Supplemental Notice of Technical Conference

As first announced in the Notice of Technical Conference issued in this proceeding on November 4, 2020, the Federal Energy Regulatory Commission (Commission) will convene a staff-led technical conference in the above referenced proceeding on Thursday,

[2] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[3] Commission staff estimates that the industry's skill set and cost (for wages and benefits) for FERC–725U are approximately the same as the Commission's average cost. The FERC 2020 average salary plus benefits for one FERC full-time equivalent (FTE) is $172,329/year (or $83.00/hour).

[4] The total number of transmission owners and operators equals 336, this represents the unique US entities taken from October 2, 2020 NERC Compliance registry information.

February 25, 2021 from 9:00 a.m. to 5:00 p.m. and Friday, February 26, 2021 from 9:00 a.m. to 1:00 p.m. Eastern Time. The conference will be held electronically and broadcast on the Commission's website. Commissioners may attend and participate. This conference will discuss principles and best practices for credit risk management in organized wholesale electric markets.

We note that discussions at the conference may involve issues raised in proceedings that are currently pending before the Commission. These proceedings include, but are not limited to:

DC Energy, LLC v. *PJM Interconnection, L.L.C.,* Docket No. EL18–170;

Shell Energy North America (US), L.P., Docket No. EL20–49;

PJM Interconnection, L.L.C., Docket No. ER21–520;

ISO New England Inc., New England Power Pool Participants Committee, Docket No. ER21–816;

Midcontinent Independent System Operator, Inc., Docket No. ER21–920.

Attached to this Supplemental Notice is an agenda for the technical conference, which includes the final conference program and speakers. The conference will be open for the public to attend. Registration for the conference is not required, however members of the public may preregister online at: *https://ferc.webex.com/ferc/onstage/g.php?MTID=e2b36f2a0411532188b8cd973144668ff.* Anyone who registers by Monday, February 22, 2021 will be given instructions on how to access the event. Information on the technical conference will also be posted on the Calendar of Events on the Commission's website, *http://www.ferc.gov,* prior to the event. The conference will be transcribed. Transcripts of the conference will be available for a fee from Ace-Federal Reporters, Inc. (202–347–3700).

For more information about this technical conference, please contact:

Michael Hill (Technical Information), Office of Energy Policy and Innovation, (202) 502–8703, *Michael.Hill@ferc.gov.*

Sarah McKinley (Logistical Information), Office of External Affairs, (202) 502–8004, *Sarah.Mckinley@ferc.gov.*

Dated: February 10, 2021. .

Kimberly D. Bose,

Secretary.

RTO/ISO Credit Principles and Practices Technical Conference

Docket Nos. AD21–6–000 and AD20–6–000

February 25–26, 2021

Agenda and Speakers

Day 1—Thursday, February 25, 2021

9:00 a.m.–9:15 a.m.: Welcome and Opening Remarks

9:15 a.m.–10:45 a.m.: Panel 1: Credit Principles and Practices in RTO/ISO Markets

Scott Miller, Principal, Whitehall Bay Energy Services

Bob Wasserman, Chief Counsel, Division of Clearing and Risk, U.S. Commodity Futures Trading Commission

Vince Kaminski, Professor in the Practice of Energy, Rice University

Geoffrey Harris, Knowledge Leader II, Federal Reserve Bank of Chicago

Erik Heinle, Assistant People's Counsel, Office of the People's Counsel for the District of Columbia

Ted Thomas, Chairman, Arkansas Public Service Commission

This panel will explore the fundamental principles underlying credit risk management and the panelists' understanding of how those principles are applied within RTO/ISO markets. Panelists will discuss how credit risk is managed and regulated in other industries and whether any best practices can be applied to the RTO/ISO markets. This panel will also discuss the RTO/ISO credit policy requirements set forth in Order No. 741 [1] and whether there is a need for the Commission to update those requirements. The panel may include a discussion of the following topics and questions:

1. What is credit risk and who bears the credit risk in RTO/ISO markets? How can RTOs/ISOs better understand and minimize the credit risk that their market participants pose?

2. What are the key components of an effective credit policy? What principles and best practices of credit risk management are applicable to RTO/ISO markets?

3. What impact has Order No. 741 had in reducing credit risk? Are there aspects of credit policy beyond those addressed by Order No. 741 which should be explored? Are there areas where the Commission can and should provide additional guidance or regulations to mitigate credit risk?

4. What types of credit structures or market designs (in terms of moving some products to financial exchanges or central clearing parties, increasing mark-to-market frequency, collateral practices, liquidity) could be set up to reduce the likelihood that non-defaulting market participants bear the costs of a market participant defaulting? How would such structures or designs affect participants' access to the markets?

10:45 a.m.–11:00 a.m.: Break

11:00 a.m.–12:30 p.m.: Panel 2: RTO/ISO Comparison of Risk Management Structure, Credit Enhancements and Lessons Learned

Ryan Seghesio, Vice President, Chief Financial Officer and Treasurer, California ISO

Scott Smith, Director of Treasury and Risk Management, Southwest Power Pool

Melissa Brown, Senior Vice President and Chief Financial Officer, Midcontinent ISO

Nigeria Bloczynski, Chief Risk Officer, PJM Interconnection, LLC

Sheri Prevratil, Manager of Corporate Credit, New York ISO

This panel will compare and contrast the risk management structures, credit practices, and recent credit enhancements implemented by the RTOs/ISOs. This panel will present an overview of each RTOs'/ISOs' experience in managing credit risk and will allow the panelists to ask questions of one another to facilitate the exchange of best practices. The panel may include a discussion of the following topics and questions:

1. How is the risk management function in your RTO/ISO structured? What are the tools and resources (in terms of personnel, data, software, etc.) your risk department uses to implement the RTO's/ISO's credit policy? How do you evaluate a new or existing market participant's risk of default? When and how do you communicate with market participants to obtain information or to convey credit concerns? To what extent do you communicate with other departments within the RTO/ISO regarding credit risk concerns in the RTO/ISO markets?

2. To what extent does the RTO/ISO need discretion to implement its credit policy to protect the markets from the risk of market participant defaults? Does your RTO/ISO currently have such discretion? How should this discretion be balanced with the need to ensure non-discriminatory treatment of market

[1] *Credit Reforms in Organized Wholesale Electric Markets,* Order No. 741, 133 FERC ¶ 61,060 (2010), *order on reh'g,* Order No. 741–A, 134 FERC ¶ 61,126 (2011), *reh'g denied,* Order No. 741–B, 135 FERC ¶ 61,242 (2011).

participants? What remedies, if any, do you currently have available to market participants suspended or rejected for posing an unreasonable credit risk to the RTO/ISO markets?

3. What significant enhancements has your RTO/ISO made to its credit policy in recent years? What tools and resources did it require to implement these enhancements? What lessons has your risk department learned in implementing these enhancements? What would you recommend to other RTOs/ISOs considering similar enhancements?

4. Do certain RTO/ISO products (such as virtuals) or aspects of market design pose greater credit risk than others? How, if at all, have recent market design changes impacted the credit risk in the RTO/ISO markets, particularly the Financial Transmission Rights (FTR) markets (*e.g.,* limiting the available FTR contract paths, altering the FTR capacity available at auction, or changing the frequency of long-term FTR auctions)? To what extent is the risk department involved in discussions of market design changes?

5. What Know Your Customer protocols do RTOs/ISOs have in place, and are they adequate? Are RTOs/ISOs able to share information with one another to assist in implementing Know Your Customer protocols? Have market participants indicated concerns about such information sharing (within the RTO/ISO departments, and with other RTOs/ISOs) and if so, how have they been addressed? Are there barriers or rules the Commission should modify to facilitate the exchange of information among RTOs/ISOs? If not, are there ways that information could be shared securely and confidentially? What impact, if any, would the sharing of additional information have on the mitigation of credit risk? What concerns exist for the confidential treatment of information and how could those concerns be addressed? Who is best positioned to address those concerns?

12:30 p.m.–1:30 p.m.: Lunch

1:30 p.m.–3:00 p.m.: Panel 3: Internal Resources and Expertise within RTOs/ISOs

Robert Anderson, Executive Director, Committee of Chief Risk Officers

Melissa Brown, Senior Vice President and Chief Financial Officer, Midcontinent ISO

Nigeria Bloczynski, Chief Risk Officer, PJM Interconnection, LLC

Morgan Davies, Executive Director, Alliance Risk Group

KC Cloyd, Former VP of Commercial Credit, Exelon

This panel will (1) address what internal resources and expertise are needed for the RTOs/ISOs to protect their markets and market participants from defaults, and (2) explore best practices for efficiently building expertise on credit risk management. The panel may include a discussion of the following topics and questions:

1. What are key principles for the organization and governance of risk management departments, and how should those principles be applied to the RTOs/ISOs?

2. Are there best practices such as minimum experience requirements, training, or certifications that RTOs/ISOs should consider that ensure their risk departments have sufficient staff, training, and resources to identify and mitigate credit risks efficiently and effectively? What are the key responsibilities of staff and management in the risk departments of RTOs/ISOs?

3. What data and technological systems do the RTOs/ISOs need to manage risk? How often are the efficiency and effectiveness of these systems assessed?

4. How frequently should the risk departments communicate with other departments within the RTO/ISO? Should the risk departments at one RTO/ISO communicate with the other RTOs/ISOs? What communication protocols are currently in place to elevate concerns regarding risk? Is there a need for additional protocols or standards for sharing data among the RTOs/ISOs, and if so who should be responsible for setting those standards? Have market participants indicated concerns about such information sharing (within the RTO/ISO departments, and with other RTOs/ISOs) and if so, how have they been addressed?

5. Are there any additional resources that RTOs/ISOs should obtain or practices they should adopt to help reduce the risk of defaults?

3:00 p.m.–3:15 p.m.: Break

3:15 p.m.–4:45 p.m.: Panel 4: Impact of Market Design on Credit Risk

Abram Klein, Managing Partner, Appian Way Energy Partners

Keith Collins, Executive Director of Market Monitoring Unit, Southwest Power Pool, Inc.

Scott Everngam, President, Blue Horseshoe Energy, LLC

Demetri Karousos, Chief Operating Officer, Nodal Exchange and Chief Risk Officer, Nodal Clear

Ruta Skucas, Partner, Pierce Atwood LLP

The purpose of this panel will be to discuss how market design impacts the credit risk in RTO/ISOs markets, particularly the FTR markets. This panel will highlight how RTOs/ISOs and market participants view the risk posed by different market products (including virtuals and FTRs with different contract lengths, locations, auction calendars, and tenors) and how this helps shape the credit policy of the market products. This panel will also discuss how differences between comparable market products shape credit policy differences between the RTOs/ISOs. The panel may include a discussion of the following topics and questions:

1. How do differences in market design across RTOs/ISOs shape credit risk and policies among similar market products? What role does a market products' liquidity play in shaping the credit risk in RTO/ISO markets?

2. How can market design minimize credit risk? To what extent should the consideration of potential market design changes consider the impact of such changes on credit risk? How should the RTO/ISO credit policies and market design strike an appropriate balance between protecting their markets from defaults while also ensuring sufficient competition and ease of entry?

3. Could greater coordination with the risk department within an RTO/ISO during the market design process help to reduce the overall risk in the markets?

4. What are potential benefits and drawbacks to the RTOs/ISOs and to market participants with third party clearing of FTRs? What are the potential benefits and drawbacks of the RTO/ISOs clearing financially settled products using a model similar to those used by other exchanges?

Day 2—Friday, February 26, 2021

9:00 a.m.–9:15 a.m.: Opening Remarks

9:15 a.m.–10:45 a.m.: Panel 5: Addressing Counterparty Risk: Minimum Participation Requirements and Know Your Customer Protocols

Andrew Stevens, Managing Director, DC Energy

Eric Twombly, Principal, Devon Solutions LLC

C.J. Polito, Partner, Sidley Austin LLP

Lauren David, Director of Credit and Collateral Management, Exelon Corporation

Noha Sidhom, CEO, Viribus Fund LP

This panel will address how RTOs/ISOs understand and address the counterparty risks of market participants through minimum capitalization requirements, creditworthiness documentation, RTO/ISO review processes and Know Your Customer protocols. In particular, this panel will discuss whether minimum

participation requirements create undue burdens for market participants, and whether increased or decreased uniformity in such requirements would be beneficial. This panel will provide an overview of the tools available to RTOs/ISOs to conduct and proactively manage counterparty risk, as well as best practices and opportunities for increased efficiency. Additionally, the panel will explore opportunities for increased information sharing across RTOs/ISOs, as well as RTO/ISO authority and burden. The panel may include a discussion of the following topics and questions:

1. What is the fundamental purpose of minimum capitalization requirements? Are the barriers to entry created by current minimum capitalization requirements commensurate with a reduction in risk to the RTO/ISO markets?

2. How, if at all, should minimum capitalization differ for different types of market participants, either based on their structure or on the RTO/ISO markets in which they participate? How, if at all, should minimum capitalization levels scale with the size of a market participant's portfolio? Should a market participant's participation in another RTO/ISO affect minimum capitalization requirements? Should different market products have different minimum capitalization requirements?

3. What are current best practices for Know Your Customer protocols? Are there tools and practices available that the RTOs/ISOs should consider adopting? Are different practices needed for different market products or for different types of market participants based on type of entity, ownership structure, or business strategy? Are tools specific to the RTOs/ISOs necessary or would commercially available, off-the-shelf tools be adequate?

4. What burden does the Know Your Customer process pose on market participants? Are there ways the RTOs/ISOs could make the Know Your Customer process more efficient without reducing its effectiveness?

5. What level of discretion should all RTOs/ISOs have to reject or suspend a market participant based on information discovered during initial or periodic reviews of a market participant's risk? How should this be balanced against market participants' rights?

10:45 a.m.–11:00 a.m.: Break

11:00 a.m.–12:30 p.m.: Panel 6: Collateral, Initial and Variation Margining for FTR and non-FTR positions

J.C. Kneale, Vice President for North American Natural Gas, Power, NGL, and LNG Markets, Intercontinental Exchange Inc.

Rafael Martinez, Senior Financial Risk Analyst, U.S. Commodity Futures Trading Commission

Robert Marsh, Chief Operating Officer, Monolith Energy Trading

Kenneth Schisler, Vice President of Regulatory and Government Affairs, CPower Energy Management

Sam Siegel, Associate General Counsel and VP of Regulatory Compliance for Trading and Generation, Vistra Corp

Ryan Seghesio, Vice President, Chief Financial Officer and Treasurer, California ISO

The purpose of this panel will be to explore the principles underlying initial margin (the initial amount of collateral required to enter into a contract) and variation margin (the change in collateral required as the value of a contract changes over time) and how RTOs/ISOs apply these principles to the markets they administer, particularly to FTR markets. This panel will highlight the key differences in FTR credit practices, as well as recent changes in FTR credit policy. The panel may include a discussion of the following topics and questions:

1. What are basic principles underlying initial and variation margin and how are they applied in the RTO/ISO markets? Do current RTO/ISO practices adhere to general principles for setting initial and variation margin? Are there any metrics and assumptions (*e.g.* collateral confidence levels and re-assessment/true-up intervals, and position closeout assumptions) that should be examined to see how well RTO/ISO practices ensure that initial and variation margin levels are adequate?

2. What are some of the best practices in terms of measuring a market participant's FTR portfolio's anticipated exposure? What are the potential benefits and downsides of using Mark-to-Auction collateral requirements, incorporating future transmission changes into models, or other methods of incorporating forward-looking price information into FTR collateral requirements? Should all the RTOs/ISOs consider implementing minimum collateral requirements for FTRs?

3. How long should collateral be held by the RTOs/ISOs? Do any RTOs/ISOs hold collateral longer than necessary or not long enough to adequately protect their markets from the risk of market participant defaults?

4. Are the forms of collateral currently accepted by the RTOs/ISOs sufficient? What are benefits and drawbacks of RTOs/ISOs accepting surety bonds as a form of collateral? What must an RTO/ISO consider when determining whether to accept surety bonds as a form of collateral?

12:30 p.m.–12:45 p.m.: Closing Remarks

[FR Doc. 2021–03730 Filed 2–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–54–000]

Southern Star Central Gas Pipeline, Inc.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on February 12, 2021, Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 State Route 56, Owensboro, Kentucky 42301, filed in the above referenced docket a prior notice pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA) and its blanket certificate issued in Docket No. CP82–479–000 for authorization to increase the maximum allowable operating pressure (MAOP) of Southern Star's facilities interconnecting its natural gas transmission system with the system of ONEOK Field Services Company, LLC at Southern Star's meter setting at the OFS Maysville Receipt Point (also referred to as OFS Maysville Meter Setting) in Garvin County, Oklahoma from 694 pounds per square inch gauge (psig) to 1480 psig, which is the level supported under the Pipeline and Hazardous Materials Safety Administration's regulations, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

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

toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application should be directed to Cindy Thompson, Manager Regulatory, Southern Star Central Gas Pipeline, Inc., 4700 State Route 56, Owensboro, Kentucky 42301, by phone at (270) 852–4655, or by email to *cindy.thompson@southernstar.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on April 19, 2021. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is April 19, 2021. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is April 19, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before April 19, 2021. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP21–54–000 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing.'' The Commission's eFiling staff are available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

(2) You can file a paper copy of your submission. Your submission must reference the Project docket number CP21–54–000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Cindy Thompson, Manager Regulatory, Southern Star Central Gas Pipeline, Inc., 4700 State Route 56, Owensboro, Kentucky 42301, or by email to *cindy.thompson@southernstar.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

Dated: February 18, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–03799 Filed 2–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15003–001]

New Hampshire Renewable Resources, LLC; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 15003–001.

c. *Date filed:* February 8, 2021.

d. *Applicant:* New Hampshire Renewable Resources, LLC (New Hampshire Renewable).

e. *Name of Project:* Sugar River II Hydroelectric Project (project).

f. *Location:* On the Sugar River in Sullivan County, New Hampshire. The project does not occupy any federal land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Paul V. Nolan, New Hampshire Renewable Resources, LLC, 5515 North 17th Street, Arlington, VA 22205; Phone at (703) 534–5509, or email at *pvnpvndiver@gmail.com.*

i. *FERC Contact:* Michael Watts at (202) 502–6123, or *michael.watts@ferc.gov.*

j. The current license for the Sugar River II Hydroelectric Project is held by Sugar River Hydro II, LLC (Sugar River Hydro) under Project No. 10934. On April 30, 2019, Sugar River Hydro filed a letter stating that it does not intend to file an application for a subsequent license. In response to a solicitation notice issued by the Commission on May 8, 2019, New Hampshire Renewable filed a pre-application document and notice of intent to file an application for the project. Commission staff assigned Project No. 15003 for the licensing proceeding initiated by New Hampshire Renewable's filing.

k. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

l. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

m. *Deadline for filing additional study requests and requests for cooperating agency status:* April 9, 2021.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). 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. All filings must clearly identify the project name and docket number on the first page: Sugar River II Hydroelectric Project (P–15003–001).

n. The application is not ready for environmental analysis at this time.

o. *Project Description:* The existing Sugar River II Hydroelectric Project consists of: (1) A 115.5-foot-long, 10-foot-high reinforced concrete dam that includes the following sections: (a) A 35-foot-long left abutment section with a cut-off wall; (b) a 44.5-foot-long spillway section with a crest elevation of 822 feet National Geodetic Vertical Datum 1929 (NGVD 29) that contains: (i) Two 11.5-foot-wide, 10-foot-high stanchion bays equipped with wooden stop logs; (ii) an 11.5-foot-wide, 10-foot-high hydraulically-operated steel slide gate; and (iii) a 3-foot-wide sluiceway; and (c) a 36-foot-long right abutment section with a cut-off wall; (2) a 1.4-acre impoundment with a storage capacity of 11 acre-feet at an elevation of 822 feet NGVD 29; (3) a 14-foot-wide, 12-foot-high intake structure adjacent to the right abutment equipped with a trashrack with 1-inch clear bar spacing; (4) a 730-foot-long buried penstock that includes a 500-foot-long, 7-foot-diameter steel section and a 230-foot-long, 7-foot-diameter concrete section; (5) a 35-foot-long, 27-foot-wide concrete and brick masonry powerhouse containing a single 200-kilowatt Francis-type turbine-generator unit; (6) a 75-foot-long, 4.16-kilovolt overhead transmission line and a transformer that connects the project to the local utility distribution system; and (7) appurtenant facilities. The project creates an approximately 400-foot-long bypassed reach of the Sugar River.

p. *The current license requires the licensee to:* (1) Operate the project in an instantaneous run-of-river mode; (2) release a continuous minimum bypassed reach flow of 15 cubic feet per second (cfs) or inflow, whichever is less, through the sluiceway from June 16 through March 30, and release a minimum bypassed reach flow of 20 cfs from April 1 through June 15, during the downstream migration season for Atlantic Salmon smolts. The project is operated in a run-of-river mode by manually raising and lowering the spillway slide gate, and removing/adding stop logs to the stanchion bays to pass flows and maintain a constant impoundment water surface elevation. Downstream fish passage is provided through the sluiceway. The average annual generation of the project is approximately 650 megawatt-hours. New Hampshire Renewable is not proposing any new project facilities or changes in project operation.

q. In addition to publishing the full text of this notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in the proceeding (*e.g.,* license application) 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 (P–15003). 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 on March 13, 2020. For assistance,

contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or (202) 502–8659 (TTY).

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

r. *Procedural schedule:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter (if necessary).	April 2021.
Request Additional Information.	April 2021.
Issue Acceptance Letter	July 2021.
Issue Scoping Document 1 for comments.	August 2021.
Request Additional Information (if necessary).	October 2021.
Issue Scoping Document 2 ...	November 2021.
Issue Notice of Ready for Environmental Analysis.	November 2021.

s. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: February 18, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–03800 Filed 2–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1165–000]

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

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

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

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 10, 2021.

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

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

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

Dated: February 18, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–03809 Filed 2–23–21; 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 Numbers: RP21–496–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: § 4(d) Rate Filing: MEP Cashout Filing to be effective 4/1/2021.
Filed Date: 2/17/21.
Accession Number: 20210217–5009.
Comments Due: 5 p.m. ET 3/1/21.

Docket Numbers: RP21–497–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: REX 2021–02–17 Non-Conforming Negotiated Rate Amendment to be effective 2/18/2021.
Filed Date: 2/17/21.
Accession Number: 20210217–5015.
Comments Due: 5 p.m. ET 3/1/21.

Docket Numbers: RP21–498–000.
Applicants: Viking Gas Transmission Company.
Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreement—World Fuel VR1052 to be effective 2/17/2021.
Filed Date: 2/17/21.
Accession Number: 20210217–5051.
Comments Due: 5 p.m. ET 3/1/21.

Docket Numbers: RP21–499–000.
Applicants: Vector Pipeline L.P.
Description: Annual Report of Operational Purchases and Sales of Vector Pipeline L.P. under RP21–499.
Filed Date: 2/17/21.
Accession Number: 20210217–5103.
Comments Due: 5 p.m. ET 3/1/21.

Docket Numbers: RP21–500–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20210217 Negotiated Rate to be effective 2/18/2021.
Filed Date: 2/17/21.
Accession Number: 20210217–5106.
Comments Due: 5 p.m. ET 3/1/21.

Docket Numbers: RP21–501–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreement—Koch GN0790 Extension to be effective 2/17/2021.
Filed Date: 2/17/21.
Accession Number: 20210217–5107.
Comments Due: 5 p.m. ET 3/1/21.

Docket Numbers: RP21–502–000.
Applicants: EQT Energy, LLC, Chevron USA Inc.
Description: Joint Petition For Limited Waiver, et al. of EQT Energy, LLC, et al. under RP21–502.

Filed Date: 2/17/21.
Accession Number: 20210217–5138.
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 18, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–03810 Filed 2–23–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2020–0433; FRL–10020–75–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Public Notification Requirements for Combined Sewer Overflows in the Great Lakes Basin (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Public Notification Requirements for Combined Sewer Overflows in the Great Lakes Basin (EPA ICR Number 2562.03, OMB Control Number 2040–0293) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). This is a proposed extension of the ICR which is currently approved through April 30, 2021. Public comments were previously requested via the **Federal Register** on September 2, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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: Additional comments may be submitted on or before March 26, 2021.

ADDRESSES: Submit your comments to EPA, referencing Docket ID Number EPA–HQ–OW–2020–0433, online using *www.regulations.gov* (our preferred method), by email to OW—*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.

Submit written comments and recommendations to OMB for the proposed information collection 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: Joshua Baehr, National Program Branch, Water Permits Division, OWM Mail Code: 4203M, Environmental Protection Agency, 1201 Constitution Ave. NW, Washington, DC 20460; telephone number: (202) 564–2277; email address: *Baehr.Joshua@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.*

Abstract: This ICR calculates the incremental increase in burden and costs associated with implementation of the Combined Sewer Overflow (CSO) public notification requirements for CSO permittees in the Great Lakes Basin approved during the Public Notice Requirements for Combined Sewer Overflow Discharges to the Great Lakes rulemaking. In 2018, EPA established public notification requirements for permittees authorized to discharge from a CSO to the Great Lakes Basin [83 FR 712]. These requirements address: (1) Signage; (2) notification to local public health department and other potentially affected public entities; (3) notification to the public; and (4) annual notice. Additionally, permittees are required to develop a public notification plan and seek and consider input on these plans from local public health departments and other potentially affected public entities. The public notification plans also provide state permit writers with detailed information needed to write permit conditions. The rule protects public health by ensuring timely notification to the public and to public health departments, public water systems and other potentially affected public entities, including Indian tribes. It provides additional specificity beyond existing public notification requirements to ensure timely and consistent communication to the public regarding CSO discharges to the Great Lakes Basin. Timely notice may allow the public and affected public entities to take steps to reduce the public's potential exposure to pathogens associated with human sewage, which can cause a wide variety of health effects, including gastrointestinal, skin, ear, respiratory, eye, neurological, and wound infections.

Form Numbers: None.

Respondents/affected entities: CSO permittees in the Great Lakes Basin, Great Lakes States (Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and Wisconsin).

Respondent's obligation to respond: Mandatory. 40 CFR 122.38.

Estimated number of respondents: 164 (157 permittees and 7 States).

Frequency of response: Responses include one-time implementation activities, such as signage, activities that occur once per year, such as providing annual notice, and initial and follow-up activities that would occur during and after CSO discharge events.

Total estimated burden: 8,694 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $426,059 (per year), includes $5,412 in annualized capital or operation & maintenance costs.

Changes in Estimates: There is an estimated net decrease of 1,607 burden hours since the prior approved ICR. The decrease in labor hours from the prior ICR is due to the completion of capital activities performed during startup performed during the prior ICR. Also, one permittee (Woodville, Ohio NPDES Permit No. OH0020591) separated the

city's combined sewer system and therefore, is no longer within the scope of the rule and this updated ICR. There was an increase in labor costs ($31,841) due to a projected increase in labor base wages and total compensation (*i.e.,* benefits). There was a decrease in non-labor costs (−$65,038) due to a decrease in capital costs after the initial startup period of the prior ICR. Overall, total burden hours decreased by 1,607 hours and total burden cost decreased by $31,048 for the three-year period.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2021–03794 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0080; FRL–10020–48]

Pesticide Product Registration; Receipt of Applications for New Uses

February 2021.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before March 26, 2021.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the File Symbol of the EPA registration number of interest as shown in the body of this document, by using the *Federal eRulemaking Portal* at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

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

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

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

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

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

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

New Uses

1. EPA Registration Numbers: 100–758, 100–759, 100–953, 100–1242, 100–1454, and 100–1664. *Docket ID number:* EPA–HQ–OPP–2020–0419. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Fludioxonil. *Product type:* Fungicide. *Proposed use:* Sugar apple (pre-harvest); post-harvest use on dragon fruit, Japanese persimmon, jackfruit, durian, and mangosteen; greenhouse uses on cucumber, pepper, and tomato; crop expansions for cottonseed subgroup 20C, sunflower subgroup 20B, and tropical and subtropical fruit, small fruit, inedible peel, subgroup 24A; crop group conversions for leaf petiole vegetable subgroup 22B, celtuce, fennel, Florence, fresh leaves and stalk, and leafy greens subgroup 4–16A; vegetable, legume, group 6, except bean, dry and bean, succulent; vegetable, root, except sugar beet, subgroup 1B, except carrot and ginseng; carrot, roots; vegetable, tuberous and corm, subgroup 1C, except yam, true, tuber; brassica, head and stem, group 5–16; kohlrabi; brassica, leafy greens, subgroup 4–16B, except watercress; and watercress. *Contact:* RD.

2. EPA Registration Numbers: 100–759, 100–1454, and 100–1603. *Docket ID number:* EPA–HQ–OPP–2021–0020. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Fludioxonil. *Product type:* Fungicide. *Proposed use:* Tree nut crop group 14–12. *Contact:* RD.

3. EPA Registration Number: 100–1467, 100–1462, 100–1463 and 100–1465. *Docket ID number:* EPA–HQ–OPP–2019–0542. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Product name:* Bicyclopyrone Technical, Bicyclopyrone Wet Paste Manufacturing Use Product, Bicyclopyrone Wet Paste II Manufacturing Use Product and SYN–A 16003 Herbicide. *Active ingredient:* Bicyclopyrone at 99.3% (Bicyclopyrone Technical), 94% (Bicyclopyrone Wet Paste Manufacturing Use Product), 89.6% (Bicyclopyrone Wet Paste II Manufacturing Use Product) and 18.5% (SYN–A 16003 Herbicide). *Proposed use:* Lemongrass, dried; Lemongrass, fresh; Rosemary, dried; Rosemary, fresh; Wormwood, dried and Wormwood, fresh. *Contact:* RD.

4. EPA Registration Number: 264–1077. *Docket ID number:* EPA–HQ–OPP–2020–0607. *Applicant:* Bayer

CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167. *Active ingredient:* Fluopyram (*N*-[2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl]-2-(trifluoromethyl)benzamide). *Product type:* Fungicide. *Proposed use:* Coffee. *Contact:* RD.

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

Dated: February 11, 2021.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2021–03713 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2020–0282; FRL–10019–31–OW]

State Formula Allocations for Sewer Overflow and Stormwater Reuse Grants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the allocation formula for the Sewer Overflow and Stormwater Reuse Municipal Grants Program as required by the Clean Water Act (CWA). EPA is required to establish a formula to allocate proportional shares of the amount appropriated to state entities to fund actions that will help manage combined sewer overflows, sanitary sewer overflows, and stormwater. EPA was directed to develop a formula based on the relevant infrastructure needs submitted in the latest Clean Watersheds Needs Survey (CWNS) along with additional information considered appropriate by the EPA Administrator. A summary of the formula is included in this document. This document reflects EPA's consideration of public comments received in response to its August 4, 2020 **Federal Register** publication.

FOR FURTHER INFORMATION CONTACT: For additional information, please contact Michael Goralczyk, Office of Water (mail code 4204M), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: 202–564–7347; or email: *Goralczyk.Michael@epa.gov* (preferred).

SUPPLEMENTARY INFORMATION:

I. Background
II. Statutory Language for the Allocation Formula
III. Allocation Formula
IV. Data Sources for the Allocation Formula

I. Background

The America's Water Infrastructure Act (AWIA) of 2018 aims to improve water quality, expand infrastructure investments, enhance public health, increase jobs, and bolster the economy. Section 4106 of the AWIA amended Section 221 of the Clean Water Act (CWA) to reauthorize the Sewer Overflow and Stormwater Reuse Municipal Grants Program. This amended statute directs EPA to award grants to the states, the District of Columbia, and U.S. territories (collectively referred to as ''states'') for the purpose of providing grants to a municipality or municipal entity for planning, design, and construction of:

1. Treatment works to intercept, transport, control, treat, or reuse municipal combined sewer overflows (CSOs), sanitary sewer overflows (SSOs), or stormwater; and
2. Any other measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water.

EPA announced a proposed formula and methodology in the **Federal Register** on August 4, 2020 (85 FR 47205), and requested public comment on the methodology of this allotment formula including the factors and data used in determining CSO, SSO, and stormwater infrastructure needs. The final formula announced in this document reflects EPA's consideration of public comments. EPA's response to comments is available at *https://www.regulations.gov/,* Docket ID No. EPA–HQ–OW–2020–0282.

II. Statutory Language for the Allocation Formula

According to the CWA, funds appropriated for this program shall be allocated to the states according to their total proportional needs for municipal CSOs, SSOs, and stormwater as identified in the most recent CWNS and any other additional information considered appropriate by the EPA Administrator. This is described in Section 221(g)(2) of the CWA:

''the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2020 and each fiscal year thereafter for making grants to States under subsection (a)(1) in accordance with a formula to be established by the Administrator, after providing notice and an opportunity for public comment, that allocates to each State a proportional share of such amounts based on the total needs of the State for municipal combined sewer overflow controls, sanitary sewer overflow controls, and stormwater identified in the most recent detailed estimate and comprehensive study submitted pursuant to section 516 of this title and any other information the Administrator considers appropriate.''

The CWNS includes documented infrastructure needs. However, the most recent CWNS in 2012 did not include complete CSO, SSO, and stormwater infrastructure needs for every state and territory. In order to equitably allocate appropriated funds based on existing infrastructure needs, as directed in the amended Section 221 of the CWA, it is appropriate to include additional factors to fully characterize needs for CSOs, SSOs, and stormwater management. EPA consulted with state representatives and EPA regional coordinators experienced in managing EPA grants at the state level on a series of supplemental factors. With the feedback of these partners, EPA selected three additional factors based on the common availability of data across the states and the ability of these factors to serve as surrogates for CSO, SSO, and stormwater infrastructure needs. The three additional factors are annual average precipitation, total population, and urban population. The rationale for these additional factors includes the following:

(1) Annual average precipitation is a factor because higher amounts of precipitation lead to greater CSO, SSO, and stormwater infrastructure needs to manage greater flows.

(2) Total population is a factor because the larger the population of a state, the more infrastructure is generally required to serve them.

(3) Urban population is a factor because there are relatively higher CSO, SSO, and stormwater infrastructure needs in urban environments from increased impervious surfaces, which generate increased wet weather flows during precipitation events.

When combined with the needs determined in the CWNS, these three factors improve the representation of the CSO, SSO, and stormwater infrastructure needs in each state. This collective approach for assessing CSO, SSO, and stormwater infrastructure needs is the basis for this proposal on how to derive an allocation formula for appropriating funds for this program.

III. Allocation Formula

EPA will use the following methodology to allocate appropriated funds to the states for the Sewer Overflow and Stormwater Reuse Municipal Grant Program.

Methodology

1. Reserve 1% of the federal appropriation for EPA's administrative expenses per Section 221(h) of the CWA.

2. Allocate the remaining amount (federal appropriation minus EPA administrative set-aside) based on several factors to characterize the ''need allocation'' of each state. In addition to the most recent CWNS, EPA chose additional objective factors to help characterize the infrastructure needs of each state, as permitted by CWA Section 221(g)(2). EPA assigned weights to each of the factors in the allocation formula. The CWNS needs are weighted at 50% and the additional factors were weighted evenly to collectively account for the remaining 50%. The combination of the following factors forms the need allocation for each state.

▪ *Clean Watersheds Needs Survey:* This factor is included as the statute directs EPA to use the needs submitted pursuant to CWA Section 516. Each allocation year, EPA will use the latest available CWNS information that provides a comprehensive assessment of CSOs, SSOs, and stormwater infrastructure needs. This factor represents 50% of the need allocation as these needs were directly identified in the survey.

▪ *Annual Average Precipitation:* This factor is included to account for the volume of annual precipitation a state receives which suggests the amount of stormwater runoff that needs to be managed. This factor represents 16.67% of the need allocation.

▪ *Total Population:* This factor is included to represent the proportional need of each state's population size acknowledging that higher populations generally have greater infrastructure needs. This factor represents 16.67% of the need allocation.

▪ *Urban Population:* This factor is included to represent the needs that urban centers have for CSOs, SSOs, and stormwater management due to high concentrations of impervious surfaces. This factor represents 16.67% of the need allocation.

3. Adjust the allocation proportions to ensure that no state receives an allocation below 0.5%. Any adjustments to raise states to this base allocation amount will be taken at a proportional basis from states that were above this base amount. Once adjustments are made to ensure that each state receives at least 0.5% of the remaining amount (federal appropriation minus EPA administrative set-aside), this allocation will be considered the final state allocation for the applicable fiscal year.

In following this methodology, the results for each state's allocation proportion are shown in Table 1.

TABLE 1—STATE ENTITY ALLOCATION TABLE

State entity	Allocation percentage
Alabama	1.0
Alaska	0.5
American Samoa	0.5
Arizona	0.8
Arkansas	0.7
California	10.6
Colorado	1.0
Connecticut	2.2
Delaware	0.5
District of Columbia	1.3
Florida	2.7
Georgia	1.5
Guam	0.9
Hawaii	0.5
Idaho	0.5
Illinois	2.7
Indiana	3.1
Iowa	0.8
Kansas	1.2
Kentucky	2.1
Louisiana	1.4
Maine	0.6
Maryland	2.7
Massachusetts	2.6
Michigan	1.5
Minnesota	0.7
Mississippi	0.8
Missouri	3.9
Montana	0.5
Nebraska	1.3
Nevada	0.7
New Hampshire	1.0
New Jersey	5.7
New Mexico	0.5
New York	6.4
North Carolina	1.3
North Dakota	0.5
Northern Marianas	0.8
Ohio	7.0
Oklahoma	0.8
Oregon	1.5
Pennsylvania	3.5
Puerto Rico	0.9
Rhode Island	0.9
South Carolina	0.8
South Dakota	0.5
Tennessee	1.5
Texas	5.5
Utah	0.5
Vermont	0.5
Virgin Islands	0.5
Virginia	2.1
Washington	1.8
West Virginia	1.3
Wisconsin	1.8
Wyoming	0.5

IV. Data Sources for the Allocation Formula

▪ *Clean Watersheds Needs Survey:* The CWNS includes and documents identified capital investment needs for Sanitary Sewer Overflow Correction (Categories I–IV where states have shown a designated SSO need), Combined Sewer Overflow Correction (Category V), and Stormwater Management (Category VI). Information for this factor will be taken from the most recent published CWNS [1] and will be updated accordingly.

▪ *Annual Average Precipitation:* The precipitation factor for each state is the annual average amount of precipitation collected from the past 10 years of data from the National Oceanographic and Atmospheric Association (NOAA) National Centers for Environmental Information, Climate at a Glance: Statewide Time Series. These data will be updated annually to form a 10-year rolling average.[2] Due to data limitations, alternative data sources are to be used for the following states:

—*Hawaii:* The past 10 years of data for annual average precipitation will be collected from the Hilo Area, Honolulu Area, Kahului Area, and Lihue Area from the Honolulu Forecast Office of NOAA.[3] These sources constitute the most complete data set in the relevant timeframe and are considered the best available representation for Hawaii.

—*District of Columbia:* The past 10 years of data for annual average precipitation will be collected from the Washington Area from the Baltimore/Washington Forecast Office of NOAA. This is the most complete data set in the relevant timeframe and is considered the best available representation for the District of Columbia.[4]

—*Puerto Rico:* The past 10 years of data for annual average precipitation will be collected from the San Juan Area and Ensenada and Morovis weather stations from the San Juan Forecast Office of NOAA. These sources constitute the most complete data set in the relevant timeframe and are considered the best available representation for Puerto Rico.[5]

—*American Samoa:* The past 10 years of data for annual average precipitation will be collected from the Pago Pago Area from the Pago Pago Forecast Office of NOAA. This is the most complete data set in the relevant

[1] *Clean Watersheds Need Survey 2012 Report to Congress,* January 2016. *https://www.epa.gov/cwns/clean-watersheds-needs-survey-cwns-2012-report-and-data.*

[2] NOAA National Centers for Environmental information, Climate at a Glance: Statewide Time Series, accessed April 2020, *https://www.ncdc.noaa.gov/cag/statewide/time-series.*

[3] NOAA, Honolulu Forecast Office, Hilo Area, Honolulu Area, Kahului Area, and Lihue Area Data, *https://w2.weather.gov/climate/xmacis.php?wfo=hnl.*

[4] NOAA, Baltimore/Washington Forecast Office, Washington Area Data, *https://w2.weather.gov/climate/xmacis.php?wfo=lwx.*

[5] NOAA, San Juan Forecast Office, San Juan Area and Ensenada, and Morovis Weather Station Data. *https://w2.weather.gov/climate/xmacis.php?wfo=sju.*

timeframe and is considered the best available representation for American Samoa.[6]

—*Guam:* The past 10 years of data for annual average precipitation will be collected from the Guam Area from the Tiyan Forecast Office of NOAA. This is the most complete data set in the relevant timeframe and is considered the best available representation for Guam.[7]

—*Northern Mariana Islands:* The past 10 years of data for the annual average precipitation will be collected from the Guam Area from the Tiyan Forecast Office of NOAA. There are no available weather stations in the Northern Mariana Islands. However, the Northern Mariana Islands are covered by the Tiyan Forecast Office and Guam is located approximately 130 miles away. It has been determined that data from the Guam Area can be considered an acceptable surrogate for precipitation amounts in the Northern Mariana Islands.[8]

—*U.S. Virgin Islands:* The past 10 years of data for the annual average precipitation will be collected from the Christiansted Airport and St. Thomas weather stations from the San Juan Forecast Office of NOAA. These sources constitute the most complete data set in the relevant timeframe and are considered the best available representation for the U.S. Virgin Islands.[9]

▪ *Total Population:* Data for the total population factor will be from the most recent published U.S. Census Bureau decennial census. The initial allocation will be based on the 2010 U.S. Census and will be updated accordingly.

—The states, the District of Columbia, and Puerto Rico population data will be taken from the U.S. Census Bureau State Population Totals and Components of Change.[10]

—American Samoa, Guam, Northern Mariana Islands, and U.S. Virgin Islands population data will be taken from the U.S. Census Bureau Island Area Tables.[11]

▪ *Urban Population:* The urban population factor for each state will be based on the available data from the most recent U.S. Census Bureau decennial census.[12] The initial formula will be based on the 2010 U.S. Census and data will be updated as future decennial censuses are published. Urban population estimates for American Samoa, Guam, Northern Mariana Islands, and the U.S. Virgin Islands are not available through the Census. The following alternative data sources will be used and updated as needed.

—*American Samoa:* Data from the Central Intelligence Agency World Factbook will be used. The percentage of the total population considered to be urban (currently 87.2%) will be multiplied by the total population.[13]

—*Guam:* Data from the Central Intelligence Agency World Factbook will be used. The percentage of the total population considered to be urban (currently 94.9%) will be multiplied by the total population.[14]

—*Northern Mariana Islands:* Data from the Central Intelligence Agency World Factbook will be used. The percentage of the total population considered to be urban (currently 91.8%) will be multiplied by the total population.[15]

—*U.S. Virgin Islands:* Data from the Central Intelligence Agency World Factbook will be used. The percentage of the total population considered to be urban (currently 95.9%) will be multiplied by the total population.[16]

Dated: January 25, 2021.

Andrew D. Sawyers,

Director, Office of Wastewater Management, Office of Water.

[FR Doc. 2021–03756 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

[6] NOAA, Pago Pago Forecast Office, Pago Pago Area Data, *https://w2.weather.gov/climate/xmacis.php?wfo=samoa.*

[7] NOAA, Tivan Forecast Office, Guam Area Data, *https://w2.weather.gov/climate/xmacis.php?wfo=guam.*

[8] Ibid.

[9] NOAA, San Juan Forecast Office, Christiansted Airport and St. Thomas Weather Station Data, *https://w2.weather.gov/climate/xmacis.php?wfo=sju.*

[10] U.S. Census Bureau, State Population Totals and Components of Change 2010–2019, *https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-total.html.*

[11] U.S. Census Bureau, 2010 Island Area Tables, *https://www.census.gov/data/tables/2010/dec/2010-island-areas.html.*

[12] U.S. Census Bureau, Census Urban and Rural Classification and Urban Area Criteria, *https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural/2010-urban-rural.html.*

[13] Central Intelligence Agency, World Factbook, American Samoa, *https://www.cia.gov/library/publications/the-world-factbook/geos/aq.html.*

[14] Central Intelligence Agency, World Factbook, Guam, *https://www.cia.gov/library/publications/the-world-factbook/geos/gq.html.*

[15] Central Intelligence Agency, World Factbook, Northern Mariana Islands, *https://www.cia.gov/library/publications/the-world-factbook/geos/cq.html.*

[16] Central Intelligence Agency, World Factbook, U.S. Virgin Islands, *https://www.cia.gov/library/publications/the-world-factbook/geos/vq.html.*

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–0482–0012; FRL–10020–76–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; SmartWay Transport Partnership (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), SmartWay Transport Partnership (EPA ICR Number 2265.04, OMB Control Number 2060–0663) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 21, 2021. Public comments were previously requested via the **Federal Register** filed on July 27, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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: Additional comments may be submitted on or before March 26, 2021.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2007–0482–0012, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-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.

Submit written comments and recommendations to OMB for the proposed information collection 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: Erik Herzog, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, S–68, Ann Arbor, MI 48105; telephone number: 734–214–4487; fax number: 734–214–4906; email address: *herzog.erik@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.*

Abstract: SmartWay is open to organizations that own, operate, or contract with fleet operations, including truck, rail, barge, air and multi-modal carriers, logistics companies, and shippers. Organizations that do not operate fleets, but that are working to strengthen the freight industry, such as industry trade associations, state and local transportation agencies and environmental groups, also may join as SmartWay affiliates. All organizations that join SmartWay are asked to provide EPA with information as part of their SmartWay registration to annually benchmark their transportation-related operations and improve the environmental performance of their freight activities.

A company joins SmartWay when it completes and submits a SmartWay Excel-based tool (''reporting tool'') to EPA. The data outputs from the submitted tool are used by partners and SmartWay in several ways. First, the data provides confirmation that SmartWay partners are meeting established objectives in their Partnership Agreement. The reporting tool outputs enable EPA to assist SmartWay partners as appropriate, and to update them with environmental performance and technology information that empower them to improve their efficiency. This information also improves EPA's knowledge and understanding of the environmental and energy impacts associated with goods movement, and the effectiveness of both proven and emerging strategies to lessen those impacts.

In addition to requesting annual freight transportation-related data, EPA may ask its SmartWay partners for other kinds of information which could include opinions and test data on the effectiveness of new and emerging technology applications, sales volumes associated with SmartWay-recommended vehicle equipment and technologies, the reach and value of partnering with EPA through the SmartWay Partnership, and awareness of the SmartWay brand. In some instances, EPA might query other freight industry representatives (not just SmartWay partners), including trade and professional associations, nonprofit environmental groups, energy and community organizations, and universities, and a small sampling of the general public.

Form Numbers: Excellence Award Application: 5900–488, Smartway Signature Page and Tractor Trailer Equipment Checklist: 5900–489, Affiliate Agreement: 5900–490, Designated License Agreement: 5900–491.

Respondents/affected entities: Private and public organizations; freight industry representatives who engage in activities related to the SmartWay Partnership; and the general public.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 4,925 (total).

Frequency of response: Once for affiliates and generally annually for partners.

Total estimated burden: 12,830 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $861,881 (per year) for labor costs, includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: Elimination of the Affiliate Challenge and efficiencies gained through the use of the online reporting tool have created burden reductions of 22 and 1,105 respectively for a total reduction 1,127 hours. These reductions counteract a total burden increase of 733 hours that results from increased participation in the program and burden calculation adjustments. In this renewal ICR there is an anticipated net reduction of 394 hours.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2021–03795 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2006–0408; FRL–10020–68–OW]

Proposed Information Collection Request; Comment Request; EPA's WaterSense Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''EPA's WaterSense Program (Renewal)'' (EPA ICR No. 2233.08, OMB Control No. 2040–0272) 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 30, 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 26, 2021.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2006–0408 online using *www.regulations.gov* (our preferred method), by email to *OW-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: Tara O'Hare, WaterSense Branch, Water Infrastructure Division, Office of Wastewater Management, Office of Water, (Mail Code 4204M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–8836; email address: *ohare.tara@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.* 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 (44 U.S.C. 3501 *et seq.*), 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: WaterSense is a voluntary program designed to create self-sustaining markets for water-efficient products and services via a common label. The program provides incentives for manufacturers and builders to design, produce, and market water-efficient products and homes. The program also encourages consumers and commercial and institutional purchasers of water-using products and systems to choose water-efficient products and use water-efficient practices.

As part of strategic planning efforts, EPA encourages programs to develop meaningful performance measures, set ambitious targets, and link budget expenditures to results. Data collected under this ICR will assist WaterSense in demonstrating results and carrying out evaluation efforts to ensure continual program improvement. In addition, the data will help EPA estimate water and energy savings and inform future product categories and specifications. All shipment and sales data submitted by WaterSense manufacturer and retailer/distributor partners are collected as confidential business information (CBI) using the procedures outlined in the WaterSense CBI security plan under the Clean Water Act.

On April 10, 2020, EPA published a **Federal Register** document (85 FR 20268) that sought input on whether and how the program could better understand and collect information on consumer satisfaction with labeled products. Based on the comments received on the notice (and summarized in the supporting statement), there is no support for conducting a survey or study on consumer satisfaction for use in future product reviews. There is, however, support for a general survey that would help to provide information to improve awareness of the WaterSense label and brand, which is covered under the existing ICR.

Form Numbers: *Forms not yet finalized in *italics.*

Partnership Agreement

- Builders 6100–19
- Licensed Certification Providers 6100–20
- Manufacturers 6100–13
- Professional Certifying Organizations 6100–07
- Promotional partners 6100–06
- Retailers/distributors 6100–12

Application for Professional Certifying Organization Approval

- *Professional Certifying Organizations 6100–X3*

Annual Reporting Form

- Builders 6100–09
- Professional Certifying Organizations 6100–09
- Promotional partners 6100–09

Annual Reporting Form—Online and Hard-Copy Confidential Business Information (CBI) Forms

- Plumbing Manufacturers 6100–09
- Non-plumbing Manufacturers 6100–09
- Retailers/Distributors 6100–09

Provider Quarterly Reporting Form

- Licensed Certification Providers 6100–09

Award Application Form

- Builders 6100–17
- Licensed Certification Providers 6100–17
- Manufacturers 6100–17
- Professional Certifying Organizations 6100–17
- Promotional Partners 6100–17
- Retailers/Distributors 6100–17

Consumer Awareness Survey

- *Survey form 6100–X2*

Respondents/affected entities: Respondents will consist of WaterSense partners and participants in the consumer survey. WaterSense partners include product manufacturers; professional certifying organizations; retailers; distributors; utilities; federal, state, and local governments; home builders; licensed certification providers; and non-governmental organizations (NGOs).

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: EPA estimates the total number of respondents (over 3 years) to be 2,561.

Frequency of response: Once a prospective partner organization reviews WaterSense materials and decides to join the program, it will submit the appropriate Partnership Agreement for its partnership category (this form is only submitted once). Professional Certifying Organizations must include additional documentation to begin their partnership by completing an Application for Professional Certifying Organization Approval (this form is only submitted once). Each year, EPA also asks partners to submit an Annual Reporting Form and Awards Application (voluntarily at the partner's discretion). Licensed certification providers for WaterSense-labeled new homes are asked to submit a Provider Quarterly Reporting Form four times each year. EPA also may conduct two Consumer Awareness Surveys over the three-year period of the ICR.

Total estimated burden: 6,830 hours (per year for both respondents and EPA). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $598,527 (per year for both respondents and EPA), includes $1,578 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 2,096 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to changes in program requirements including using online forms for all non-CBI related data, discontinuing the individual irrigation partner category, and simplifying the quarterly provider reporting requirements, which have reduced operation & maintenance costs and lowered the estimated burden. EPA also better understands how long it takes partners to complete program forms and has better historical data to project new partners/forms over the next three years.

Dated: February 18, 2021.

Andrew D. Sawyers,

Director, Office of Wastewater Management.

[FR Doc. 2021–03827 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2016–0404; FRL–10020–61–OW]

Proposed Information Collection Request for the National Study of Nutrient Removal and Secondary Technologies: Publicly Owned Treatment Works (POTW) Screener Questionnaire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) plans to submit an information collection request (ICR), ''Information Collection Request for the National Study of Nutrient Removal and Secondary Technologies: Publicly Owned Treatment Works (POTW) Screener Questionnaire (Renewal)'' (EPA ICR No. 2553.01, OMB Control No. 2040 0294) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). 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 July 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 26, 2021.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2016–0404 online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@epa.gov,* Attention Docket ID No. EPA–HQ–OW–2016–0404, 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: Dr. Paul Shriner, Engineering and Analysis Division (4303T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–1076; email address: *nutrient-removal-study@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents are available in the public docket for this ICR that explain in detail the information that the EPA will be collecting. 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: (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:

Nutrient pollution remains the single greatest challenge to our Nation's water quality and presents a growing threat to public health and local economies—contributing to toxic harmful algal blooms, contamination of drinking water sources, and costly impacts on recreation, tourism and fisheries. The multi-phase study described here, when completed, will provide a rich database of nutrient removal performance at secondary treatment POTWs nationwide, and will help POTWs understand the range of nutrient removal performance and identify opportunities to optimize nutrient removals based on data from their peers. It will also serve as a major new resource for POTWs, states and other stakeholders to evaluate the most cost-effective approaches to nutrient reduction at the watershed scale. With these objectives in mind, EPA's Office of Water is collecting data to evaluate the nutrient removals and related technology performance of POTWs with conventional secondary treatment. For the purposes of this study ''conventional secondary treatment'' are those processes used by industry to meet the regulatory requirements for secondary treatment.

The goals of this study are to establish a baseline of nutrient performance nationally for secondary treatment facilities and to document the capability of POTWs to reduce nutrient discharges by implementing changes to operations and maintenance, without making extensive capital investments. The full study would be conducted in multiple phases, allowing for interactions with stakeholders and experts in each phase. The first phase of the study is a screener questionnaire, the renewal of which is the focus of this ICR.

Due to multiple delays, most notably postponements in fielding the screener questionnaire due to circumstances associated with the coronavirus (COVID–19) pandemic, EPA is proposing to renew the ICR for the screener questionnaire. EPA seeks to continue to update existing information on the universe of POTWs in the U.S., including tribally owned facilities, and collect basic information on the characteristics of these POTWs. The conventional secondary plants would be the focus of the second phase of study to determine how efficiently these plants remove nutrients and how enhancements to operation and maintenance have improved their performance. EPA expects to conduct future surveys of a statistically representative sample of the population of secondary treatment plants, but the exact format of these collections will be informed by the data received from this screener questionnaire.

There are no currently available datasets that identify every POTW in the country, or that identify which POTWs are conventional secondary treatment plants. Presently there are multiple, disparate databases that contain information concerning various subsets of treatment facilities; however, each of these databases is incomplete with respect to identifying all facilities. In addition, each database has missing or incomplete data fields. EPA intends to create a database of the full population of POTWs in the U.S. and use that database for further statistical study of nutrient removal performance. EPA plans to make this database publicly

available, subject to confidentiality concerns that may arise.

Currently only case studies are available documenting how secondary treatment plants can reduce nutrient discharges through enhanced operation and maintenance procedures. This study would provide statistically representative data on improved nutrient removal by secondary treatment plants resulting from changes in operation and maintenance. This study would help States and POTWs agree to and set well-informed and realistic nutrient load reduction targets for wastewater treatment facilities, where appropriate, and provide information on the time and costs needed to make enhancements in operation and maintenance procedures.

EPA's Office of Water is administering the screener questionnaire, which solicits basic facility identification, characterization, and technical information necessary to develop the future detailed questionnaire, to select the sample of secondary treatment plants planned for subsequent phases of the study, and to select POTWs where future influent and effluent sampling could be conducted to document performance. The screener questionnaire is a one-time data collection. EPA would prepare a separate ICR for the subsequent phases of the study after the screener questionnaire data collection is completed and the sample frame for the subsequent phases is developed.

EPA is limiting the information requested by the screener questionnaire to that which is necessary to identify the complete population of POTWs and to identify basic information about that population. Questions include those necessary to identify and stratify the universe of POTWs and, within that population, the secondary treatment POTWs not designed specifically to remove nitrogen and phosphorus. The screener is user-friendly and makes use of multiple choice, yes/no questions, drop down menus, and checkboxes from which respondents will choose the best answer. EPA did not include open-ended questions to minimize burden on respondents and to assist in compiling the data. A copy of the screener questionnaire is available at Docket ID No. EPA–HQ–OW–2016–0404 as part of this request for comments (see **SUPPLEMENTARY INFORMATION** section of this document for further information).

EPA designed the screener questionnaire as a web-based survey that POTWs can fill out and submit online. Accordingly, a separate signed certification form is not required. A hard copy of the screener questionnaire was mailed to POTWs upon request. A hard copy was also provided to POTWs in small communities where they cannot readily access the internet.

In this renewal EPA proposes three revisions to the currently approved screener questionnaire ICR and supporting statement. First, EPA has reduced the maximum number of respondents from 16,500 to 15,000. This reflects the 1,500 survey responses already received as of October 30, 2020. Second, EPA has made minor clarifying edits to the survey questions such as providing additional examples of certain technology classifications. Third, EPA is revising the respondent burden estimates. The original average burden estimate assumed it would take one hour to complete the registration process and three hours to complete the full questionnaire. EPA reviewed start and end dates and times associated with questionnaires submitted online and found that the average time to complete the long version of the online questionnaire was 1.1 hours and the time to complete the short version was 26 minutes. EPA revised the average burden to 2.25 hours for the questionnaire and 15 minutes for registration (Questionnaire Section A) based on this information. EPA solicits comment on these proposed changes. EPA is also soliciting comments on EPA's approach to refining the mailing list of POTWs, and has made a draft list available in the Docket (see **SUPPLEMENTARY INFORMATION** section of this document for further information).

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are approximately 15,000 POTWs that meet the definition under 40 CFR 403.3(q), 50 POTWs for site visits, and 100 state and/or small municipal association contacts.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 12,000 (total).

Frequency of response: One-time data collection.

Total estimated burden: 29,980 hours (over 3 years). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,496,981 (over 3 years), includes zero annualized capital or operation & maintenance costs.

Changes in Estimates: There is decrease of 37,180 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to screener questionnaire responses already received, reduced number of total respondents, and replacement of EPA's estimated respondent burdens with the actual time respondents took to complete the screener questionnaire.

Deborah Nagle,

Director, Office of Science and Technology, Office of Water.

[FR Doc. 2021–03757 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0347; FRL–10020–74–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Epoxy Resin and Non-Nylon Polyamide Production (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Epoxy Resin and Non-Nylon Polyamide Production (EPA ICR Number 1681.10, OMB Control Number 2060–0290), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2021. Public comments were previously requested, via the **Federal Register**, on May 12, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before March 26, 2021.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0347, to EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@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.

Submit written comments and recommendations to OMB for the proposed information collection 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: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@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 *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.*

Abstract: Owners and operators of affected facilities are required to comply with reporting and recordkeeping requirements for the General Provisions (40 CFR part 63, subpart A), as well as the applicable standards at 40 CFR part 63, subpart W. This includes submitting initial notifications, performance tests and periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These reports are used by EPA to determine compliance with these standards.

Form Numbers: None.

Respondents/affected entities: Epoxy resin and non-nylon polyamide resin production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart W).

Estimated number of respondents: 7 (total).

Frequency of response: Initially, quarterly, and semiannually.

Total estimated burden: 3,940 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $476,000 (per year), which includes $14,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is no increase in burden from the most recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations: (1) The regulations have not changed over the past three years, and they are not anticipated to change over the next three years; (2) the growth rate for this industry is either very low or non-existent, so there is no significant change in the overall burden. However, there is a slight increase in costs. The operation and maintenance (O&M) costs have been updated from 1998 dollars to 2019 dollars using the CEPCI CE Index.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2021–03793 Filed 2–23–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL TRADE COMMISSION

Granting of Requests for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice made the grants. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED

[01/01/2021 12:00:00 a.m., 01/31/2021 12:00:00 a.m.]

01/04/2021		
20210673	G	TransDigm Group Incorporated; AI Convoy (Cayman) Limited; TransDigm Group Incorporated.
20210692	G	Marlin Equity V, L.P.; Luminate Capital Partners, LP; Marlin Equity V, L.P.
20210695	G	Partners Group Access 77 PF LP; New Mountain Partners IV, L.P.; Partners Group Access 77 PF LP.
20210697	G	Aurora Innovation, Inc; Uber Technologies, Inc; Aurora Innovation, Inc.
20210698	G	Uber Technologies, Inc.; Aurora Innovation, Inc; Uber Technologies, Inc.
20210699	G	Howard W. Lutnick; View, Inc.; Howard W. Lutnick.
20210701	G	Humana Inc.; Rajendra K. Bansal; Humana Inc.
20210702	G	Star Peak Energy Transition Corp.; Stem, Inc.; Star Peak Energy Transition Corp.
20210703	G	Columna Datamars S.a.r.l; Datamars Investments S.a.r.l.; Columna Datamars S.a.r.l.
20210708	G	Warburg Pincus Global Growth, L.P.; Tony Olson; Warburg Pincus Global Growth, L.P.
20210709	G	L Catterton IX, L.P.; Truck Hero Holdings, Inc.; L Catterton IX, L.P.
20210713	G	SK Holdings Co., Ltd.; Roivant Sciences Ltd.; SK Holdings Co., Ltd.
20210718	G	AbbVie Inc.; Eiger BioPharmaceuticals, Inc.; AbbVie Inc.
01/11/2021		
20210700	G	Huntsman Corporation; Audax Private Equity Fund IV AIV, L.P.; Huntsman Corporation.
20210712	G	Andrea Pignataro; Flexpoint Fund III, L.P; Andrea Pignataro.
20210719	G	OCM RGCY PT, L.P. ; Drake Kennedy; OCM RGCY PT, L.P.

EARLY TERMINATIONS GRANTED—Continued

[01/01/2021 12:00:00 a.m., 01/31/2021 12:00:00 a.m.]

20210723	G	Leidos Holdings, Inc; Sumeet Singh; Leidos Holdings, Inc.
20210724	G	Roger S. Penske; Roger S. Penske; Roger S. Penske.
20210732	G	Rhone Partners V L.P.; Gruppo Illy S.p.A; Rhone Partners V L.P.
20210733	G	Fiserv, Inc.; Ondot Systems, Inc.; Fiserv, Inc.
20210734	G	Primoris Services Corporation; Future Infrastructure Holdings, LLC; Primoris Services Corporation.
01/12/2021		
20210728	G	The Veritas Capital Fund VII, L.P.; Northrop Grumman Corporation; The Veritas Capital Fund VII, L.P.
20210729	G	The Veritas Capital Fund VII, L.P.; The Veritas Capital Fund V, L.P.; The Veritas Capital Fund VII, L.P.
20210740	G	Mercuria Energy Group Holding Ltd.; HC2 Holdings, Inc; Mercuria Energy Group Holding Ltd.
20210741	G	CCP III AIV V, L.P. ; New Speedcast Parent; CCP III AIV V, L.P.
20210742	G	Magna International Inc.; Dr. Geeta Gupta and Henrik Fisker; Magna International Inc.
20210746	G	Oaktree Opportunities Fund XI, L.P.; S1 Blocker Buyer, Inc.; Oaktree Opportunities Fund XI, L.P.
20210747	G	The Huron Fund V L.P.; Doug DeClusin; The Huron Fund V L.P.
20210748	G	Partners Group Access 75 PF LP; New Harbor Wedgewood; Partners Group Access 75 PF LP.
01/13/2021		
20210737	G	Oshkosh Corporation; James F. Miller; Oshkosh Corporation.
20210749	G	PTC Inc.; JMI Equity Fund VIII–A, L.P.; PTC Inc.
20210750	G	Total SE; Dong Kwan Kim; Total SE.
20210752	G	Alexander Karp; Palantir Technologies Inc.; Alexander Karp.
20210753	G	Stephen Cohen; Palantir Technologies Inc.; Stephen Cohen.
20210756	G	H.I.G. Middle Market LBO Fund III, L.P.; Incline Equity Partners IV, L.P.; H.I.G. Middle Market LBO Fund III, L.P.
20210757	G	Paysafe Limited; Paysafe Group Holdings Limited; Paysafe Limited.
20210758	G	William P. Foley, II; Paysafe Group Holdings Limited; William P. Foley, II.
20210759	G	Cannae Holdings, Inc.; Paysafe Group Holdings Limited; Cannae Holdings, Inc.
20210762	G	Cronos TopCo LP; New Mountain Partners V, L.P.; Cronos TopCo LP.
20210768	G	Murphy USA Inc.; Dean C. Durling; Murphy USA Inc.
20210777	G	Fortress Credit Opportunities Fund V (G) L.P.; Fidentia Fortuna Holdings, Ltd.; Fortress Credit Opportunities Fund V (G) L.P.
20210778	G	Vesper Healthcare Acquisition Corp.; LCP Edge Holdco, LLC; Vesper Healthcare Acquisition Corp.
20210779	G	United States Steel Corporation; Big River Steel Holdings LLC; United States Steel Corporation.
20210782	G	Jonathan Oringer; Shutterstock, Inc.; Jonathan Oringer.
01/15/2021		
20210173	S	Albertsons Companies, Inc.; KB US Holdings, Inc.; Albertsons Companies, Inc.
20210380	G	Allied Universal Topco LLC; Frank and Kathleen Argenbright; Allied Universal Topco LLC.
20210760	G	ContourGlobal L.P.; Harbert Power Fund V, LLC; ContourGlobal L.P.
20210775	G	Amphenol Corporation; MTS Systems Corporation ; Amphenol Corporation.
20210783	G	KPS Special Situations Fund IV, LP; Ernest W. Giddens; KPS Special Situations Fund IV, LP.
20210787	G	TCV X, L.P.; Newsela Inc.; TCV X, L.P.
20210790	G	Kemper Corporation; American Access Group, LLC; Kemper Corporation.
20210791	G	Silver Spike Acquisition Corp.; WM Holding Company, LLC; Silver Spike Acquisition Corp.
20210794	G	Charlesbank Equity Fund IX, Limited Partnership; SPC Partners V, L.P.; Charlesbank Equity Fund IX, Limited Partnership.
20210795	G	LPL Financial Holdings Inc.; Macquarie Group Limited; LPL Financial Holdings Inc.
20210796	G	American Securities Partners VIII, L.P.; Beacon Roofing Supply, Inc.; American Securities Partners VIII, L.P.
20210797	G	Koninklijke Philips N.V.; Francisco Partners Agility, L. P.; Koninklijke Philips N.V.
20210798	G	The Resolute Fund V, L.P.; Madison Dearborn Capital Partners VII–A, L.P.; The Resolute Fund V, L.P.
20210799	G	Stillfront Group AB; Super Free Games, Inc.; Stillfront Group AB.
20210800	G	United Therapeutics Corporation; Y-mAbs Therapeutics, Inc.; United Therapeutics Corporation.
20210801	G	Temasek Holdings (Private) Limited; Kazuhide Nakano; Temasek Holdings (Private) Limited.
20210803	G	Macquarie Group Limited; Waddell & Reed Financial, Inc.; Macquarie Group Limited.
20210804	G	TC Energy Corporation; TC PipeLines, LP; TC Energy Corporation.
20210805	G	The Veritas Capital Fund VII, L.P.; HMS Holdings Corp.; The Veritas Capital Fund VII, L.P.
20210806	G	Matthew Rabinowitz; Natera, Inc.; Matthew Rabinowitz.
20210808	G	Cerner Corporation; Bain Capital Europe Fund V, SCSp; Cerner Corporation.
20210843	G	George Archos; Majesta Minerals, Inc.; George Archos.

FOR FURTHER INFORMATION CONTACT: Theresa Kingsberry (202–326–3100), Program Support Specialist, Federal Trade Commission Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024.

By direction of the Commission.

Joel Christie,

Acting Secretary.

[FR Doc. 2021–03751 Filed 2–23–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—CE21–002: Research Grants to Develop or Identify Effective Strategies to Prevent Overdose Involving Illicit Stimulants and Polysubstance Use Involving Stimulants.

Dates: June 15–16, 2021.

Times: 8:30 a.m.–5:00 p.m., EDT.

Place: Videoconference.

Agenda: To review and evaluate grant applications.

FOR FURTHER INFORMATION CONTACT: Mikel Walters, Ph.D., Scientific Review Officer, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341, Telephone (404) 639–0913, *MWalters@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. 2021–03744 Filed 2–23–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[60Day–20–0051; Docket No. ATSDR–2020–0005]

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 a proposed information collection project titled ''Assessment of Chemical Exposures (ACE) Investigations.'' The purpose of ACE Investigations is to focus on performing rapid epidemiological assessments to assist state, regional, local, or tribal health departments (the requesting agencies) to respond to or prepare for acute environmental incidents.

DATES: ATSDR must receive written comments on or before April 26, 2021.

ADDRESSES: You may submit comments, identified by Docket No. ATSDR–2020–0005 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

Assessment of Chemical Exposures (ACE) Investigations (OMB Control No. 0923–0051)—Reinstatement with

Change—Agency for Toxic Substances and Disease Registry (ATSDR).

Background and Brief Description

The Agency for Toxic Substances and Disease Registry (ATSDR) is requesting a three-year Paperwork Reduction Act (PRA) clearance for the Revision of ''Assessment of Chemical Exposures (ACE) Investigations'' information collection request (ICR) (OMB Control No. 0923–0051; Expiration Date 03/31/2021). ATSDR conducts ACE Investigations to assist state and local health departments after acute environmental incidents.

ATSDR has successfully completed five investigations to date using this valuable mechanism. ATSDR would like to continue these impactful information collections. A brief summary of recent information collections approved under this tool includes the following:

• During 2015, in U.S. Virgin Islands there was a methyl bromide exposure incident at a condominium resort severely injuring a family and causing symptoms in the first responders to the incident. ATSDR interviewed all potentially exposed persons who stayed or worked at the resort to look for signs of exposure. Under this ACE investigation, ATSDR raised awareness among pest control companies that methyl bromide is currently prohibited in homes and other residential settings. Additionally, ATSDR raised awareness among clinicians about the toxicologic syndrome caused by exposure to methyl bromide and the importance of notifying first responders immediately when they have encountered contaminated patients.

• During 2016, the ACE Team conducted a rash investigation in Flint, Michigan. Persons who were exposed to Flint municipal water and had current or worsening rashes were surveyed and referred to free dermatologist screening if desired. Findings revealed that when the city was using water from the Flint River, there were large swings in chorine, pH, and hardness, which could be one possible explanation for the eczema-related rashes.

• During 2016, the ACE Team also conducted a follow-up investigation for people who were referred to a dermatologist in the first Flint investigation. The follow-up interviews resulted in improvements in medical exam and referral processes that were still on-going at the time.

The ACE Investigations have focused on performing rapid epidemiological assessments to assist state, regional, local, or tribal health departments (the requesting agencies) to respond to or prepare for acute chemical releases.

The main objectives for performing these rapid assessments are to:

• Characterize exposure and acute health effects of the affected community to inform health officials and the community;

• Identify needs (*i.e.,* medical, mental health, and basic) of those exposed during the incidents to aid in planning interventions in the community;

• Determine the sequence of events responsible for the incident so that actions can be taken to prevent future incidents;

• Assess the impact of the incidents on the emergency response and health services use and share lessons learned for use in hospital, local, and state planning for environmental incidents; and

• Identify cohorts that may be followed and assessed for persistent health effects resulting from environmental releases.

Because each incident is different, it is not possible to predict in advance exactly what type of, and how many respondents will be consented and interviewed to effectively evaluate the incident. Respondents typically include, but are not limited to, emergency responders such as police, fire, hazardous material technicians, emergency medical services, and personnel at hospitals where patients from the incident were treated. Incidents may occur at businesses or in the community setting; therefore, respondents may also include business owners, managers, workers, customers, community residents, and those passing through the affected area.

The multidisciplinary ACE Team consisting of staff from ATSDR, the Centers for Disease Control and Prevention (CDC), and the requesting agencies will be collecting data. ATSDR has developed a quickly tailored series of draft survey forms used in the field to collect data that will meet the goals of the investigation. ATSDR collections will be administered based on time permitted and urgency. For example, it is preferable to administer the General Survey to as many respondents as possible. However, if there are time constraints, the shorter Household Survey or the former ACE Short Form, now modified as the Epidemiologic Contact Assessment Symptom Exposure (Epi CASE) Survey, may be administered instead. The individual surveys collect information about exposure, acute health effects, health services use, medical history, needs resulting from the incident, communication during the release, health impact on children, and demographic data. Hospital personnel are asked about the surge, response and communication, decontamination, and lessons learned.

Depending on the situation, data collected by face-to-face interviews, telephone interviews, written surveys, mailed surveys, or on-line surveys can be collected. Medical charts may also be considered for review. In rare situations, an investigation might involve collection of clinical specimens.

ATSDR is proposing to increase the utility of this Generic ICR in response to stakeholder requests. We would like to expand the ACE toolkit to be more inclusive of other types of environmental incidents affecting the community and which fall under ATSDR's mandate and, at times, the mandates of our partners in the CDC's National Center for Environmental Health (NCEH) and the National Center for Occupational Safety and Health (NIOSH). In addition to acute chemical releases, we propose to include radiological and nuclear incidents, explosions, natural disasters, and other environmental incidents.

We propose revisions to select information collection forms, which will be deployed using handheld devices whenever possible to reduce burden, and to adjust the number of responses and time per response for several forms. A new brief Eligibility Screener (900 responses per year; 30 hours) will be added prior to administering consent for our surveys. The Epi CASE Survey, formerly the ACE Short Form, has been modified for the expanded scope of eligible incidents requested (1,000 responses per year; 250 hours). To reduce time burden, there will be new field data entry screens and deletion of unused questions for the General Survey (800 responses per year; 333 hours), the Household Survey (120 responses per year; 20 hours) and for the Hospital Survey (40 responses per year; 17 hours). We are retaining the Medical Chart Abstraction Form (250 responses per year; 125 hours) but are removing the Veterinary Chart Abstraction Form as it has not been used in the past.

ATSDR anticipates up to four ACE investigations per year. We are requesting approval for 3,110 annual responses (increase of 1,820 responses per year) and for 775 annual hours (increase of 184 hours per year). Participation in ACE investigations is voluntary and there are no anticipated costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
Residents, first responders, business owners, employees, customers.	Eligibility Screener	900	1	2/60	30
	Epi CASE Survey	1,000	1	15/60	250
	General Survey	800	1	25/60	333
Residents	Household Survey	120	1	10/60	20
Hospital staff	Hospital Survey	40	1	25/60	17
Staff from state, local, or tribal health agencies.	Medical Chart Abstraction Form	25	10	30/60	125
Total					775

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–03703 Filed 2–23–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0672]

Agency Information Collection Activities; Proposed Collection; Comment Request; Prominent and Conspicuous Mark of Manufacturers on Single-Use Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. 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 of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on reprocessed, single-use device labeling.

DATES: Submit either electronic or written comments on the collection of information by April 26, 2021.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before April 26, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of April 26, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2011–N–0672 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Prominent and Conspicuous Mark of Manufacturers on Single-Use Devices.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://*

www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''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 provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Prominent and Conspicuous Mark of Manufacturers on Single-Use Devices

OMB Control Number 0910–0577—Extension

Section 502 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 352), among other things, establishes requirements that the label or labeling of a medical device must meet so that it is not misbranded and subject to regulatory action. Section 301 of the Medical Device User Fee and Modernization Act of 2002 (Pub. L. 107–250) amended section 502 of the FD&C Act to add paragraph (u) to require devices (both new and reprocessed) to bear prominently and conspicuously the name of the manufacturer, a generally recognized abbreviation of such name, or a unique and generally recognized symbol identifying the manufacturer.

Section 2(c) of the Medical Device User Fee Stabilization Act of 2005 (MDUFSA) (Pub. L. 109–43) amends section 502(u) of the FD&C Act by limiting the provision to reprocessed single-use devices (SUDs) and the manufacturers who reprocess them. Under the amended provision, if the original SUD or an attachment to it prominently and conspicuously bears the name of the manufacturer, then the reprocessor of the SUD is required to identify itself by name, abbreviation, or symbol in a prominent and conspicuous manner on the device or attachment to the device. If the original SUD does not prominently and conspicuously bear the name of the manufacturer, the manufacturer who reprocesses the SUD for reuse may identify itself using a detachable label that is intended to be affixed to the patient record.

As directed by MDUFSA, FDA issued the guidance entitled ''Compliance with Section 301 of the Medical Device User Fee and Modernization Act of 2002, as amended—Prominent and Conspicuous Mark of Manufacturers on Single-Use Devices'' (*https://www.fda.gov/media/71187/download*) to identify circumstances in which the name or symbol of the original SUD manufacturer is not prominent and conspicuous, as used in section 502(u) of the FD&C Act. However, the guidance does not contain additional information collections.

The requirements of section 502(u) of the FD&C Act impose a minimal burden on industry. This section of the FD&C Act only requires the manufacturer, packer, or distributor of a device to include their name and address on the labeling of a device. This information is readily available to the establishment and easily supplied. From FDA's Unified Registration and Listing System database, FDA estimates that there are 175 establishments that distribute approximately 946 reprocessed SUDs. The majority of establishments (161) distribute an average of 2 SUDs per establishment. The remaining 14 establishments distribute an average of 45 SUDs per establishment. Each response is anticipated to take 0.1 hours (6 minutes).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1] [2]

Type of respondent	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Establishments listing less than 10 SUDs	161	2	322	0.1	32
Establishments listing 10 or more SUDs	14	45	630	0.1	63
Total					95

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Totals may not sum due to rounding.

Our estimated burden for the information collection reflects an increase of 52 hours. We attribute this adjustment to an increase in the number of establishments and reprocessed SUDs.

Dated: February 16, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–03748 Filed 2–23–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–7012]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Use of Public Human Genetic Variant Databases To Support Clinical Validity for Genetic and Genomic-Based In Vitro Diagnostics

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by March 26, 2021.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0850. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Agency Information Collection Activities; Proposed Collection; Comment Request; Use of Public Human Genetic Variant Databases To Support Clinical Validity for Genetic and Genomic-Based In Vitro Diagnostics

OMB Control Number 0910–0850—Extension

Section 2011 of the 21st Century Cures Act of 2016 (Pub. L. 114–255) encourages the FDA to develop new approaches for addressing regulatory science issues as part of the Precision Medicine Initiative (PMI).

In the **Federal Register** of April 13, 2018 (83 FR 16110), FDA announced the availability of a guidance for industry entitled ''Use of Public Human Genetic Variant Databases to Support Clinical Validity for Genetic and Genomic-Based In Vitro Diagnostics; Guidance for Stakeholders and Food and Drug Administration Staff.'' [1] The guidance describes one part of FDA's PMI effort to create a flexible and adaptive regulatory approach to the oversight of next generation sequencing (NGS)-based tests. The goal of this effort is to help ensure patients receive accurate and meaningful test results, while promoting innovation in test development. The guidance describes how publicly accessible databases of human genetic variants can serve as sources of valid scientific evidence to support the clinical validity of genotype-phenotype relationships in FDA's regulatory review of both NGS-based tests and genetic and genomic tests based on other technologies. Publicly accessible genetic databases may be useful to support the clinical validity of NGS tests as well as single gene or panel tests that use other technology.

The guidance describes FDA's considerations in determining whether a genetic variant database is a source of valid scientific evidence that could support the clinical validity of an NGS-based test. The guidance further outlines the process by which administrators [2] of genetic variant databases could voluntarily apply to FDA for recognition, and how FDA would review such applications and periodically reevaluate recognized databases. The guidance also recommends that, at the time of recognition, the database administrator make information regarding policies, procedures, and conflicts of interest publicly available and accessible on the genetic variant database's website.

Respondents are administrators of genetic databases. Our estimate of five respondents per year is based on the current number of databases that may meet FDA recommendations for recognition and seek such recognition.

Based on our experience and the nature of the information, we estimate that it will take an average of 80 hours to complete and submit an application for recognition. We estimate that maintenance of recognition activities will take approximately one-fourth of that time (20 hours) annually. We estimate that it will take approximately 1 hour to post the information on the website.

In the **Federal Register** of September 23, 2020 (85 FR 59801), we published a 60-day notice requesting public comment on the proposed collection of information. FDA received two comments. One comment was not relevant to the topic or information collection. A summary of the other comment and our response are as follows:

(Comment) One comment expressed concerns and suggestions regarding the collection, storage, and security of personally identifiable information (PII) and protected health information (PHI).

(Response) The guidance document ''Use of Public Human Genetic Variant Databases to Support Clinical Validity for Genetic and Genomic-Based In Vitro Diagnostics'' describes, among other things, FDA's considerations in determining whether a publicly accessible genetic variant database is a source of valid scientific evidence that could support the clinical validity of genetic and genomic-based tests in a premarket submission and outlines the process by which administrators of publicly accessible genetic variant databases could voluntarily apply to FDA for recognition, and how FDA would assess such applications and periodically reevaluate recognized databases. FDA recommends that genetic database administrators should identify the applicable laws and regulations to assure that any requirements are addressed and transparently documented. Genetic variant database administrators should also put in place adequate security measures to ensure the protection and privacy of PII and PHI and provide

[1] Available at: *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/use-public-human-genetic-variant-databases-support-clinical-validity-genetic-and-genomic-based-vitro.*

[2] FDA acknowledges that many databases may not use the term ''administrator'' or may have a committee of individuals that oversee the database. Therefore, for the purpose of this guidance, a genetic variant database administrator is the entity or entities that oversee database operations.

training for database staff on security and privacy protection. The guidance recommends that, among other considerations, such a genetic variant database would collect, store, and report data and conclusions in compliance with all applicable requirements regarding protected health information, patient privacy, research subject protections, and data security. In section V.A of the guidance, FDA discusses security and privacy of such data, stating that ''[g]enetic variant database operations must be in compliance with all applicable federal laws and regulations (*e.g.,* the Health Insurance Portability and Accountability Act, the Genetic Information Nondiscrimination Act, the Privacy Act, the Federal Policy for the Protection of Human Subjects (''Common Rule''), etc.) regarding protected health information, patient privacy, research involving human subjects, and data security, as applicable.''

However, we believe the comment may misunderstand the subject of the information collection request. We are requesting extension of the OMB approval of the information collection associated with the guidance document, *i.e.,* the application for recognition of a publicly accessible genetic variant database as a source of valid scientific evidence that could support the clinical validity of genetic and genomic-based tests in a premarket submission, as well as record maintenance and public disclosure related to such recognition. The application for recognition does not include submission of PII or PHI that may be contained in a genetic variant database. Rather, the application includes standard operating procedures and other documents related to the database's handling of PII and PHI confidentiality and privacy, among other considerations. The information collected in the application for recognition is used to evaluate the database's oversight and governance procedures to determine that, among other things, they are designed to ensure the protection of PII and PHI and provide appropriate training for database staff.

We have not revised the information collection based on the comment.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Application for recognition of genetic database	5	1	5	80	400

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Maintenance of recognition activities	5	1	5	20	100

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Public disclosure of policies, procedures, and conflicts of interest	5	1	5	1	5

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: February 16, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–03729 Filed 2–23–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0031]

Best Practices for Development and Application of Disease Progression Models; Public Workshop; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: One of the goals of the Prescription Drug User Fee Act of 2017 (PDUFA VI), part of the FDA Reauthorization Act of 2017 (FDARA), is advancing model-informed drug development (MIDD). The ''Best Practices for Development and Application of Disease Progression Models'' workshop fulfills FDA's performance commitment under PDUFA VI to hold a workshop. The Food and Drug Administration (FDA or Agency) is opening a docket to solicit public input on topics areas for an upcoming disease progression modeling workshop. The purpose of this public workshop is to discuss the best practices for developing disease progression models and their application to support drug development decisions; share

experiences and case studies that highlight the opportunities and limitations in the development and application of disease progression models including models for natural history of disease and clinical trial simulations; and discuss the knowledge gaps and research needed to advance the development and use of disease progression models.

DATES: To ensure that the Agency considers your input, submit either electronic or written comments by March 26, 2021.

ADDRESSES: FDA is establishing a docket for public comment on this workshop. The docket number is FDA–2021–N–0031. The docket will close on March 26, 2021. Submit either electronic or written comments on this public workshop by March 26, 2021. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before March 26, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 26, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0031 for ''Best Practices for Development and Application of Disease Progression Models; Public Workshop; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Maryanne Dingman, Office of Clinical Pharmacology, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–8777, or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

Under FDARA, FDA agreed, in accordance with section I of the PDUFA VI Performance Goals, ''Ensuring the Effectiveness of the Human Drug Review, part J, Enhancing Regulatory Decision Tools to Support Drug Development and Review,'' to hold several workshops to identify best practices for MIDD. The workshop entitled ''Best Practices for Development and Application of Disease Progression Models,'' to be held in 2021, fulfills FDA's performance commitment under PDUFA VI. FDA is requesting comments from the public to help identify areas of interest to be discussed during the workshop given the wide range of approaches to data collection, aggregation modeling, model development, verification and validation, and potential applications in drug development and regulatory review. The outcome will help the Agency inform the public on current experience, emerging techniques, and limitations to streamline the drug model development and facilitate the decision-making process.

II. Request for Information and Comments

Interested persons are invited to provide detailed information and comments on areas of interest to discuss during the upcoming ''Best Practices for Development and Application of Disease Progression Models '' workshop. FDA is interested in responses about best practice considerations including, but not limited to, the following:

1. The development and application of different types of disease progression models (*e.g.,* empirical, semi-mechanistic, and fully mechanistic or systems modeling).

2. Modeling natural history of disease, specifically methodological considerations and challenges in characterizing the natural relationship between pharmacodynamic markers and clinical outcomes.

3. Clinical trial simulations based on disease progression/natural history models to support drug development and regulatory decisions.

Dated: February 16, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–03727 Filed 2–23–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–4951]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Medical Devices; Humanitarian Use Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by March 26, 2021.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0332. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Medical Devices; Humanitarian Use Devices—21 CFR Part 814

OMB Control Number 0910–0332—Extension

This collection of information implements the humanitarian use devices (HUDs) provision of section 520(m) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360j(m)) and part 814, subpart H (21 CFR part 814, subpart H). Under section 520(m) of the FD&C Act, FDA is authorized to exempt an HUD from the effectiveness requirements of sections 514 and 515 of the FD&C Act (21 U.S.C. 360d and 360e) provided that the device: (1) Is designed to treat or diagnose a disease or condition that affects no more than 8,000 individuals in the United States; (2) would not be available to a person with a disease or condition unless an exemption is granted and there is no comparable device other than another HUD approved under this exemption that is available to treat or diagnose such disease or condition; and (3) will not expose patients to an unreasonable or significant risk of illness or injury and the probable benefit to health from the use of the device outweighs the risk of injury or illness from its use, taking into account the probable risks and benefits of currently available devices or alternative forms of treatment.

Respondents may submit a humanitarian device exemption (HDE) application seeking exemption from the effectiveness requirements of sections 514 and 515 of the FD&C Act as authorized by section 520(m)(2) of the FD&C Act. The information collected will assist FDA in making determinations on the following: (1) Whether to grant HUD designation of a medical device; (2) whether to exempt an HUD from the effectiveness requirements under sections 514 and 515 of the FD&C Act, provided that the device meets requirements set forth under section 520(m) of the FD&C Act; and (3) whether to grant marketing approval(s) for the HUD. Failure to collect this information would prevent FDA from making a determination on the factors listed previously in this document. Further, the collected information would also enable FDA to determine whether the holder of an HUD is in compliance with the HUD provisions under section 520(m) of the FD&C Act.

In the **Federal Register** of August 13, 2020 (85 FR 49379), FDA published a 60-day notice requesting public comment on the proposed collection of information. Although two comments were received, they were not responsive to the four collection of information topics solicited.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity/21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Request for HUD designation—814.102	20	1	20	40	800
HDE Application—814.104	4	1	4	328	1,312
HDE Amendments and resubmitted HDEs—814.106	20	5	100	50	5,000
HDE Supplements—814.108	116	1	116	80	9,280
Notification of withdrawal of an HDE—814.116(e)(3)	2	1	2	1	2
Notification of withdrawal of institutional review board approval—814.124(b)	1	1	1	2	2
Periodic reports—814.126(b)(1)	50	1	50	120	6,000
Total					22,396

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity/21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
HDE Records—814.126(b)(2)	62	1	62	2	124

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity/21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Notification of emergency use—814.124(a)	22	1	22	1	22

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The number of respondents in tables 1, 2, and 3 are an average based on data for the previous 3 years, *i.e.,* fiscal years 2017 through 2019. The number of respondents has been adjusted to reflect updated respondent data. This has resulted in an overall increase of 5,803 hours to the total estimated burden. The number of annual reports submitted under § 814.126(b)(1) in table 1 reflects 50 respondents with approved HUD applications. Based on further review, the estimated number of recordkeepers has been adjusted from 65 respondents to 62 respondents in table 2 to reflect the most current data available. Therefore, under § 814.126(b)(2) in table 2, the estimated number of recordkeepers is 62.

We have also updated the burden estimate consistent with new provisions in § 814.104(b)(4)(i) regarding ''Human Subject Protection; Acceptance of Data from Clinical Investigations for Medical Devices'' (83 FR 7366; February 21, 2018) (approved under OMB control number 0910–0741). Section 814.104 is being amended to address submission of data from clinical investigations in an HDE. To the extent the applicant includes data from clinical investigations, the applicant will be required to include the information and statements as described in § 814.104(b)(4)(i). Consistent with our estimate in OMB control number 0910–0741, this revision increases our burden estimate for an HDE by 8 hours per submission.

Dated: February 16, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–03746 Filed 2–23–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Information Collection Request Title: Rural Health Clinic COVID–19 Testing Program Data Collection, OMB No. 0906–0056—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30 day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than March 26, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Rural Health Clinic COVID–19 Testing Program Data Collection, OMB No. 0906–0056—Extension.

Abstract: This ICR is for continued approval of the Rural Health Clinic (RHC) COVID–19 Testing Program Data Collection. HRSA is proposing to continue this data collection with no changes. The current performance measures are collected electronically in the RHC COVID–19 Testing Report (CTR), which funded providers access via *rhccovidreporting.com.* RHC COVID–19 Testing Program Data Collection supports the HRSA requirement to monitor and report on funds distributed under the Paycheck Protection Program and Health Care Enhancement Act. Signed into law on April 24, 2020, the Paycheck Protection Program and Health Care Enhancement Act appropriated $225 million to RHCs to support COVID–19 testing efforts, expand access to testing in rural communities, and other related expenses. On May 20, 2020, HRSA issued funding as one-time payments to 2,406 RHC organizations based on the number of certified clinic sites they operate, providing $49,461.42 per clinic site (4,549 RHC clinic sites total across the country).

The RHC CTR collects monthly, aggregate data from funded organizations. Funded organizations provide basic identifying information, report on the number of and location of testing sites, indicate how they used the funds, and report the total number of patients tested and the number of tests with a positive result.

Funded organizations must report the number of patients tested and the number of positive tests on a monthly

basis for the duration of the reporting period. HRSA will use this information to evaluate the effectiveness of COVID–19 Testing Program at an aggregate level, assist HRSA in understanding how RHC COVID–19 Testing Program funding is being used to support RHC organizations and patients, and ensure that HRSA is compliant with federal reporting requirements.

A 60-day notice published in the **Federal Register** on December 10, 2020, vol. 85, No. 238; p. 79492. There were no public comments.

Need and Proposed Use of the Information: The RHC CTR is designed to collect information from funded providers who use RHC COVID–19 Testing Program funding to support COVID–19 testing efforts, expand access to testing in rural communities, and other related expenses. These data are critical to meet HRSA requirements to monitor and report on how federal funding is being used and to measure the effectiveness of RHC CTR. Specifically, these data will be used to assess the following:

- Whether program funds are being spent for their intended purposes;
- Where COVID–19 testing supported by these funds is occurring;
- Number of patients tested for COVID–19; and
- Results of provided COVID–19 tests.

Likely Respondents: Respondents are RHC organizations who received funding for COVID–19 testing and related expenses.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
RHC COVID–19 Testing Report	2,406	12	28,872	.25	7,218

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–03749 Filed 2–23–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: Small Health Care Provider Quality Improvement Program, OMB No. 0915–0387—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on the proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than April 26, 2021.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Small Health Care Provider Quality Improvement Program, OMB No. 0915–0387—Extension.

Abstract: This program is authorized by Title III, Public Health Service Act, Section 330A(g) (42 U.S.C. 254c(g)), as amended. This authority authorizes HRSA's Federal Office of Rural Health Policy to issue grants that expand access to, coordinate, contain the cost of, and improve the quality of essential health care services, including preventive and emergency services, through the development of health care networks in rural and frontier areas and regions. Across these various programs, the authority allows HRSA to provide funds to rural communities to support the direct delivery of health care and related services, expand existing services, or enhance health service delivery through education, promotion, and prevention programs.

The purpose of the Small Health Care Provider Quality Improvement Grant (Rural Quality) Program is to provide support to rural primary care providers for implementation of quality improvement activities. The goal of the program is to promote the development of an evidence-based culture and delivery of coordinated care in the primary care setting. Additional objectives of the program include improved health outcomes for patients, enhanced chronic disease management, and better engagement of patients and their caregivers. Organizations participating in the program are required to use an evidence-based quality improvement model, perform tests of change focused on improvement, and use health

information technology (HIT) to collect and report data. HIT may include an electronic patient registry or an electronic health record, and is a critical component for improving quality and patient outcomes. With HIT it is possible to generate timely and meaningful data, which helps providers track and plan care.

Need and Proposed Use of the Information: For this program, performance measures were drafted to provide data to the program and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act of 1993. These measures cover the principal topic areas of interest to the Federal Office of Rural Health Policy, including: (a) Access to care; (b) population demographics; (c) staffing; (d) consortium/network; (e) sustainability; and (f) project specific domains. All measures speak to HRSA's progress toward meeting the goals set.

HRSA collects this information to quantify the impact of grant funding on access to health care, quality of services, and improvement of health outcomes. HRSA uses the data for program improvement and grantees use the data for performance tracking. No changes are proposed from the current data collection effort.

Likely Respondents: The respondents would be recipients of the Small Health Care Provider Quality Improvement Program.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Quality Program PIMS Measures	32	1	32	8	256
Total	32		32		256

HRSA specifically requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–03750 Filed 2–23–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS–0990–xxxx]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before April 26, 2021.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0990-New-60D, and project title for reference, to Sherrette Funn, the Reports Clearance Officer, *Sherrette.funn@hhs.gov,* or call 202–795–7714.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Advancing the response to COVID–19 Learning Community Measure.

Type of Collection: (New).

OMB No. 0990–NEW–Office of the Secretary/Office of Minority Health.

Abstract: The Office of Minority Health (OMH) is seeking an approval by OMB on a new information collection, advancing the response to COVID–19 Learning Community Measure (hereafter COVID–19 Learning Community Measure). The purpose of this data collection is to gather quantitative and qualitative data from Learning Community members to monitor learning community performance in achieving process and outcome measures over the course of the one-year project. OMH will collect a set of process and outcome measures from program participants to assess the degree to which the learning community is effective in connecting subject matter experts and public health leaders, facilitating networking, and peer-to-peer information sharing of promising practices, programs, and/or policy.

The clearance is needed to collect data to enable OMH to monitor and evaluate the COVID–19 Learning Community performance. The data will be used to report the impact of the COVID–19 Learning Community. The ability to monitor and evaluate performance in this manner, and to work towards continuous program improvement are basic functions that OMH must be able to accomplish in order to carry out goals for the COVID–19 Learning Community and to ensure

the most effective and appropriate use of resources.

Likely Respondents: Members and staff from academia, community organizations, local/state/federal government, private sector, and tribal government and services who serve American Indian and Alaska Native and/or racial and ethnic minorities.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Estimated number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Post COVID–19 Learning Community Survey.	COVID–19 Learning Community Members.	200	1	5/60	17
Total					17

Dated: February 18, 2021.

Sherrette A. Funn,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2021–03734 Filed 2–23–21; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Special Emphasis Panel; BRAIN Initiative: Non-Invasive Neuromodulation—New Tools and Techniques for Spatiotemporal Precision (R01).

Date: March 15, 2021.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Erin E. Gray, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Boulevard, NSC 6152B, Bethesda, MD 20892, 301–402–8152, *erin.gray@nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: February 18, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–03706 Filed 2–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Vascular and Hematology.

Date: March 22, 2021.

Time: 2:00 p.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: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, (301) 435–1206, *komissar@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cell and Molecular Biology.

Date: March 23–24, 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: Ronit Iris Yarden, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 904B, Bethesda, MD 20892, (202) 552–9939,*yardenri@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Cardiovascular and Respiratory Sciences.

Date: March 24–25, 2021.

Time: 8:00 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: Kimm Hamann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118A, MSC 7814, Bethesda, MD 20892, (301) 435–5575, *hamannkj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics: Noninvasive Neuromodulation and EEG/MEG Neuroimaging.

Date: March 24, 2021.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sharon S. Low, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 5104, Bethesda, MD 20892–5104, 301–237–1487, *lowss@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Infectious Diseases and Immunology A.

Date: March 24–25, 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: Shahrooz Vahedi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 810G, Bethesda, MD 20892, 301–496–9322, *vahedis@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–19–376: Mobile Health: Technology and Outcomes in Low and Middle Income Countries.

Date: March 24–26, 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: Raj K. Krishnaraju, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6190, Bethesda, MD 20892, 301–435–1047, *kkrishna@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR19–294: Early-Stage Preclinical Validation of Therapeutic Leads for Diseases of Interest to the NIDDK.

Date: March 24, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Raul Rojas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6185, Bethesda, MD 20892, (301) 451–6319, *rojasr@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: HIV Infections and Diseases.

Date: March 24–25, 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: Fouad A. El-Zaatari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7808, Bethesda, MD 20892, (301) 435–1149, *elzaataf@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Biochemistry and Biophysics of Biological Macromolecules.

Date: March 24–25, 2021.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ian Frederick Thorpe, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–480–8662, *ian.thorpe@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR18–901: Chronic, Non-Communicable Diseases and Disorders Across the Lifespan.

Date: March 24, 2021.

Time: 10:30 a.m. to 11:30 a.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: Jingsheng Tuo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3196, Bethesda, MD 20892, 301–451–5953, *tuoj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Oral, Dental and Craniofacial Sciences Member Conflict.

Date: March 24, 2021.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Chee Lim, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, Bethesda, MD 20892, (301) 435–1850, *limc4@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Immunological Mechanisms in Host Defense.

Date: March 24, 2021.

Time: 1:00 p.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: Deborah Hodge, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4207, MSC 7812, Bethesda, MD 20892, (301) 435–1238, *hodged@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Myalgic Encephalomyelitis/Chronic Fatigue Syndrome.

Date: March 24, 2021.

Time: 1:00 p.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: M. Catherine Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7846, Bethesda, MD 20892, (301) 435–1766, *bennettc3@csr.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 18, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–03711 Filed 2–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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/or 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 grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Genomic Data Analysis Network (U24).

Date: March 11, 2021.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W602, Rockville, Maryland 20850, (Telephone Conference Call).

Contact Person: Delia Tang, M.D., Scientific Review Officer, Resources Training and Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W602, Rockville, Maryland 20850, 240–276–6456, *tangd@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; TEP–11: SBIR Contract Review Meeting.

Date: March 12, 2021.

Time: 9:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W238, Rockville, Maryland 20850, (Telephone Conference Call).

Contact Person: Byeong-Chel Lee, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Rockville, Maryland 20850, 240–276–7755, *byeong-chel.lee@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; TEP–7: SBIR Contract Review Meeting.

Date: March 12, 2021.

Time: 1:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W238, Rockville, Maryland 20850, (Telephone Conference Call).

Contact Person: Byeong-Chel Lee, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Rockville, Maryland 20850, 240–276–7755, *byeong-chel.lee@nih.gov.*

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee A—Cancer Centers.

Date: May 6, 2021.

Time: 10:00 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W530, Rockville, Maryland 20850, (Telephone Conference Call).

Contact Person: Shamala K. Srinivas, Ph.D., Associate Director, Office of Referral, Review, and Program Coordination, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W530, Rockville, Maryland 20850, 240–276–6442, *ss537t@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 18, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–03701 Filed 2–23–21; 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; Healthspan and Lifespan in Aging.

Date: March 4, 2021.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Kimberly Firth, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Suite 2W200, Bethesda, MD 20892, 301–402–7702, *firthkm@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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

February 18, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–03709 Filed 2–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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: National Institute of Mental Health Special Emphasis Panel; BRAIN Initiative: Novel Tools to Probe Cells and Circuits in the Brain (R01).

Date: March 17, 2021.

Time: 10:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: David W. Miller, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–9734, *millerda@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; BRAIN Initiative: Novel Tools to Probe Cells and Circuits in Human and NHP Brain (UG3/UH3).

Date: March 17, 2021.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: David W. Miller, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–9734, *millerda@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: February 18, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–03710 Filed 2–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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: National Institute of Mental Health Special Emphasis Panel; NIMH Pathway to Independence Awards (K99/R00).

Date: March 18, 2021.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Jasenka Borzan, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institutes of Mental Health, 6001 Executive Blvd., Neuroscience Center, Room 6150, Bethesda, MD 20892, 301–435–1260, *jasenka.borzan@nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; PAR Review: Genetic Architecture of Mental Disorders in Ancestrally Diverse Populations.

Date: March 18, 2021.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Nicholas Gaiano, Ph.D., Review Branch Chief, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center/Room 6150/MSC 9606, 6001 Executive Boulevard, Bethesda, MD 20892–9606, 301–443–2742, *nick.gaiano@nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: February 18, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–03707 Filed 2–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2020–0029; OMB No. 1660–0142]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Survivor Sheltering Assessment

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 30-Day notice of revision and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a revision of a currently approved collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the revision of the collection ''Survivor Sheltering Assessment'' to include an alternate streamlined form and exchange of information process with State, Tribal, and territorial (STT) governments.

DATES: Comments must be submitted on or before March 26, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Christopher Shoup, Privacy Project Lead, Reporting & Analytics Division, FEMA Recovery Directorate; by email at *christopher.shoup@fema.dhs.gov* or by telephone at (202) 733–7544.

SUPPLEMENTARY INFORMATION: FEMA provides Public Assistance (PA) funding to STTs for costs related to emergency sheltering for survivors. Typically, sheltering occurs in facilities with large open spaces, such as schools, churches, community centers, armories, or other similar facilities rather than in non-congregate environments, which are locations where each individual or household has living space that offers some level of privacy (*e.g.,* hotels, motels, casinos, dormitories, retreat camps, etc.). However, FEMA recognizes that sheltering operations during the COVID–19 Public Health Emergency may require STT's to consider additional strategies to ensure that survivors are sheltered in a manner that does not increase the risk of exposure to or further transmission of COVID–19. FEMA will provide flexibility to STTs to take measures to safely conduct non-congregate sheltering activities.

This proposed information collection was previously published in the **Federal Register** on December 11, 2020, at 85 FR 80126 with a 60 day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Survivor Sheltering Assessment.

Type of information collection: Revision of a currently approved information collection.

OMB Number: 1660–0142.

Form Titles and Numbers: FEMA Form 009–0–42, Survivor Sheltering Assessment; FEMA Form 009–0–42AV, Survivor Sheltering Assessment—Alternate Version.

Abstract: FEMA will encourage STTs operating non-congregate shelters to collect basic shelter resident data. If there is a subsequent Major Disaster Declaration that includes the Individual Assistance (IA) program, FEMA and STTs may begin a bi-lateral exchange of data to coordinate and expedite assistance to shelter residents. This data exchange will enable FEMA to share additional disaster survivor data on losses and needs to STT shelter managers facilitating a coordinated effort to provide resources to shelter residents. This data also provides STTs increased ability for shelter planning and shelter population management.

Affected Public: Individuals or Households, State, Tribal or Territorial Government.

Estimated Number of Respondents: 51,200.

Estimated Number of Responses: 51,200.

Estimated Total Annual Burden Hours: 8,535.

Estimated Total Annual Respondent Cost: $320,490.

Estimated Respondents' Operation and Maintenance Costs: N/A.

Estimated Respondents' Capital and Start-Up Costs: N/A.

Estimated Total Annual Cost to the Federal Government: $307,884.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submission of responses.

Millicent L. Brown,

Senior Manager, Records Management Branch, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2021–03792 Filed 2–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2108]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona: Pima	Unincorporated Areas of Pima County, (20–09–1372P).	The Honorable Ramon Valadez, Chairman, Board of Supervisors, Pima County, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701..	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 8, 2021	040073
California:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Los Angeles	City of Los Angeles, (20–09–1031P).	The Honorable Eric Garcetti, Mayor, City of Los Angeles, 200 North Spring Street, Room 303, Los Angeles, CA 90012.	Department of Public Works, Stormwater Public Counter, 1149 South Broadway, 8th Floor, Los Angeles, CA 90015.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 4, 2021	060137
Orange	City of Irvine, (20–09–1008P).	The Honorable Christina L. Shea, Mayor, City of Irvine, City Hall, 1 Civic Center Plaza, Irvine, CA 92606.	City Hall, 1 Civic Center Plaza, Irvine, CA 92623.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 5, 2021	060222
San Diego	Unincorporated Areas of San Diego County, (20–09–2025P).	The Honorable Greg Cox, Chairman, Board of Supervisors, San Diego County, 1600 Pacific Highway, San Diego, CA 92101.	San Diego County Flood Control District, Department of Public Works, 5510 Overland Avenue, Suite 410, San Diego, CA 92123.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 14, 2021	060284
Ventura	City of Simi Valley, (19–09–2151P).	The Honorable Keith L. Mashburn, Mayor, City of Simi Valley, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	City Hall, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 27, 2021	060421
Florida:						
Clay	Unincorporated Areas of Clay County, (20–04–2911P).	Mr. Mike Cella, Chairperson, Board of Clay County Commissioners, P.O. Box 1366, Green Cove Springs, FL 32043.	Clay County, 321 Walnut Street, Green Cove Springs, FL 32043.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 29, 2021	120064
Duval	City of Jacksonville, (20–04–2911P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, City Hall at St. James Building, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Room 100, Jacksonville, FL 32202.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 29, 2021	120077
Duval	City of Jacksonville, (20–04–3128P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, City Hall at St. James Building, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Room 100, Jacksonville, FL 32202.	*https://msc.fema.gov/portal/advanceSearch.*	May 5, 2021	120077
St. Johns	Unincorporated Areas of St. Johns County, (20–04–2994P).	Mr. Jeb S. Smith, Chair, St. Johns County Board of County Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, FL 32084.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 15, 2021	125147
St. Johns	Unincorporated Areas of St. Johns County, (20–04–3165P).	Mr. Jeb S. Smith, Chair, St. Johns County Board of County Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, FL 32084.	*https://msc.fema.gov/portal/advanceSearch.*	May 13, 2021	125147
Illinois:						
Cook	Unincorporated Areas of Cook County, (21–05–0108P).	Toni Preckwinkle, County Board President Cook County, 118 North Clark Street, Room 537, Chicago, IL 60602.	Cook County Building and Zoning Department, 69 West Washington, Suite 2830, Chicago, IL 60602.	*https://msc.fema.gov/portal/advanceSearch.*	May 4, 2021	170054
Cook	Village of Orland Park (21–05–0108P).	The Honorable Keith Pekau, Mayor, Village of Orland Park, 14700 South Ravinia Avenue, Orland Park, IL 60462.	Village Hall, 14700 South Ravinia Avenue, Orland Park, IL 60462.	*https://msc.fema.gov/portal/advanceSearch.*	May 4, 2021	170140
DuPage	City of Naperville, (20–05–3287P).	The Honorable Steve Chirico, Mayor, City of Naperville, 400 South Eagle Street, Naperville, IL 60540.	Municipal Center, 400 South Eagle Street, Naperville, IL 60540.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 26, 2021	170213
DuPage	City of Wheaton, (20–05–3287P).	The Honorable Philip J. Suess, Mayor, City of Wheaton, 303 West Wesley Street, Wheaton, IL 60187.	City Hall, 303 West Wesley Street, Wheaton, IL 60187.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 26, 2021	170221
DuPage	Unincorporated Areas of DuPage County (20–05–3287P).	Dan Cronin, Chairman, DuPage County Board, 421 North County Farm Road, Wheaton, IL 60187.	County Administration Building, Stormwater Management, 421 North County Farm Road, Wheaton, IL 60187.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 26, 2021	170197

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Rock Island	City of Rock Island, (20–05–2335P).	The Honorable Mike Thoms, Mayor, City of Rock Island, 1528 3rd Avenue, Rock Island, IL 61201.	City Hall, 1528 3rd Avenue, Rock Island, IL 61201.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 21, 2021	175171
Kansas: Johnson	City of Shawnee, (20–07–1084P).	The Honorable Michelle Distler, Mayor, City of Shawnee, City Hall, 11110 Johnson Drive, Shawnee, KS 66203.	City Hall, 11110 Johnson Drive, Shawnee, KS 66203.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 28, 2021	200177
Minnesota:						
Norman	City of Halstad, (20–05–2194P).	The Honorable Lori Delong, Mayor, City of Halstad, 405 2nd Avenue West, Halstad, MN 56548.	Administrative Building, 405 2nd Avenue West, Halstad, MN 56548.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 10, 2021	270324
Norman	City of Hendrum, (20–05–2263P).	The Honorable Curt Johannsen, Mayor, City of Hendrum, P.O. Box 100, Hendrum, MN 56550.	Administrative Building, 308 Main Street East, Hendrum, MN 56550.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 10, 2021	270325
Norman	Unincorporated Areas of Norman County (20–05–2194P).	Ms. Lee Ann Hall, Chair, Norman County Board of Commissioners, 315 West Main Street, Ada, MN 56510.	Norman County Court House, 16 3rd Avenue East, Ada, MN 56510.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 10, 2021	270322
Norman	Unincorporated Areas of Norman County (20–05–2263P).	Ms. Lee Ann Hall, Chair, Norman County Board of Commissioners, 315 West Main Street, Ada, MN 56510.	Norman County Court House, 16 3rd Avenue East, Ada, MN 56510.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 10, 2021	270322
Missouri:						
Boone	City of Columbia, (21–07–0104P).	The Honorable Brian Treece, Mayor, City of Columbia, P.O. Box 6015, Columbia, MO 65205.	City Hall, 701 East Broadway, Columbia, MO 65205.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 21, 2021	290036
Boone	Unincorporated Areas of Boone County, (21–07–0104P).	Mr. Bill Florea, Director, Resource Management, Boone County, 801 East Walnut Street Room 333, Columbia, MO 65201.	Boone County Government Center Assessor's Office, 801 East Walnut Street, 1st Floor, Columbia, MO 65201.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 21, 2021	290034
Nevada: Carson City.	City of Carson City, (20–09–0437P).	The Honorable Brad Bonkowski, Mayor, City of Carson City, City Hall, 201 North Carson Street, Suite 2, Carson City, NV 89701.	Building Division, Permit Center, 108 East Proctor Street, Carson City, NV 89701.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 18, 2021	320001
New York:						
Queens	City of New York, (20–02–1119P).	The Honorable Bill de Blasio, Mayor, City of New York, City Hall, New York, NY 10007.	Department of City Planning, Waterfront Division, 22 Reade Street, New York, NY 10007.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 2, 2021	360497
Richmond	City of New York, (20–02–1564P).	The Honorable Bill de Blasio, Mayor, City of New York, City Hall, New York, NY 10007.	Department of City Planning, Waterfront Division, 22 Reade Street, New York, NY 10007.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 16, 2021	360497
North Dakota:						
Traill	Township of Herberg, (20–05–2194P).	Mr. Steven Reinpold, Chairman, Township of Herberg, 221 169th Avenue, Hillsboro, ND 58045.	County Courthouse, 114 West Caledonia, Hillsboro, ND 58045.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 10, 2021	380621
Traill	Township of Elm River, (20–05–2263P).	Mr. Todd Harrington, Supervisor, Township of Elm River, 948 173rd Avenue, Grandin, ND 58038.	County Courthouse, 114 West Caledonia, Hillsboro, ND 58045.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 10, 2021	380636
Ohio:						
Franklin	City of Columbus, (20–05–4648P).	The Honorable Andrew J. Ginther, Mayor, City of Columbus, 90 West Broad Street, 2nd Floor, Columbus, OH 43215.	Department of Development, 757 Carolyn Avenue, Columbus, OH 43224.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 1, 2021	390170
Warren	City of Lebanon, (20–05–3843P).	The Honorable Amy Brewer, Mayor, City of Lebanon, 50 South Broadway, Lebanon, OH 45036.	City Hall, 50 South Broadway, Lebanon, OH 45036.	*https://msc.fema.gov/portal/advanceSearch.*	May 3, 2021	390557

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Oregon: Columbia	City of Scappoose, (21–10–0251P).	The Honorable Scott Burge, Mayor, City of Scappoose, 33568 East Columbia Avenue, Scappoose, OR 97056.	Community Development Center, 52610 North-east 1st Street, Suite 120, Scappoose, OR 97056.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 19, 2021	410039
Texas:						
Dallas	City of Carrollton, (20–06–1319P).	The Honorable Kevin Falconer, Mayor, City of Carrollton, P.O. Box 110535, Carrollton, TX 75011.	Engineering Department, 1945 East Jackson Road, Carrollton, TX 75011.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 12, 2021	480167
Dallas	City of Mesquite, (20–06–2074P).	The Honorable Bruce Archer, Mayor, City of Mesquite, P.O. Box 850137, Mesquite, TX 75185.	Engineering Division, 1515 North Galloway Avenue, Mesquite, TX 75149.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 8, 2021	485490
Dallas	City of Richardson, (20–06–1189P).	The Honorable Paul Voelker, Mayor, City of Richardson, City Hall, 411 West Arapaho Road, Richardson, TX 75080.	Engineering Office, 411 West Arapaho Road, Richardson, TX 75080.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 22, 2021	480184
Wisconsin:						
Iron	Unincorporated Areas of Iron County, (20–05–2553P).	Mr. Joseph Pinardi, Chairman, Iron County, 406 Maple Street, Hurley, WI 54534.	Iron County, Comprehensive Planning, Land and Zoning Department, 300 Taconite Street, Suite 115, Hurley, WI 54534.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 9, 2021	550182
Outagamie	City of Appleton, (20–05–2300P).	The Honorable Jake Woodford, Mayor, City of Appleton, City Hall, 100 North Appleton Street, Appleton, WI 54911.	City Hall, 100 North Appleton Street, Appleton, WI 54911.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 28, 2021	555542
Outagamie	Unincorporated Areas of Outagamie County, (20–05–2300P).	Mr. Thomas M. Nelson, County Executive, Outagamie County, 320 South Walnut Street, Appleton, WI 54911.	Outagamie County Building, 410 South Walnut Street, Appleton, WI 54911.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 28, 2021	550302

[FR Doc. 2021–03763 Filed 2–23–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2107]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before May 25, 2021.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2107, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Shelby County, Indiana and Incorporated Areas Project: 16–05–6727S Preliminary Date: April 10, 2020	
Unincorporated Areas of Shelby County	Shelby County Courthouse Annex, 25 West Polk Street, Shelbyville, IN 46176.
Alcona County, Michigan (All Jurisdictions) Project: 14–05–2342S Preliminary Date: September 15, 2020	
City of Harrisville	City Hall, 200 5th Street, Harrisville, MI 48740.
Township of Alcona	Alcona Township Hall, 5576 North U.S. Highway 23, Black River, MI 48721.
Township of Greenbush	Township Hall, 5037 East Campbell Street, Greenbush, MI 48738.
Township of Harrisville	Township Hall, 114 South Poor Farm Road, Harrisville, MI 48740.
Township of Haynes	Haynes Township Hall, 3930 East McNeill Road, Lincoln, MI 48742.
Alpena County, Michigan (All Jurisdictions) Project: 14–05–2340S Preliminary Date: September 22, 2020	
City of Alpena	City Hall, 208 North First Avenue, Alpena, MI 49707.
Township of Alpena	Township Hall, 4385 U.S. Highway 23 North, Alpena, MI 49707.
Township of Sanborn	Sanborn Township Hall, 12025 U.S. Highway 23 South, Ossineke, MI 49766.
Sioux County, Iowa and Incorporated Areas Project: 18–07–0014S Preliminary Date: May 29, 2020	
City of Alton	City Hall, 905 3rd Avenue, Alton, IA 51003.
City of Boyden	City Hall, 609 East Webb Street, Boyden, IA 51234.
City of Chatsworth	Chatsworth Community Center, 225 North Street, Hawarden, IA 51023.
City of Granville	City Hall, 740 Broad Street, Granville, IA 51022.
City of Hawarden	City Offices, 1150 Central Avenue, Hawarden, IA 51023.
City of Hospers	City Hall, 100 3rd Avenue South, Hospers, IA 51238.
City of Hull	City Offices, 1133 Maple Street, Hull, IA 51239.
City of Ireton	City Offices, 502 4th Street, Ireton, IA 51027.
City of Matlock	Fire Department, 555 Main Street, Matlock, IA 51244.
City of Maurice	City Offices, 315 Pine Street, Maurice, IA 51036.
City of Orange City	City Hall, 125 Central Avenue Southeast, Orange City, IA 51041.
City of Rock Valley	City Office, 1303 10th Street, Rock Valley, IA 51247.
City of Sioux Center	City Offices, 335 1st Avenue Northwest, Sioux Center, IA 51250.
Unincorporated Areas of Sioux County	Sioux County Courthouse, 210 Central Avenue Southwest, Orange City, IA 51041.

[FR Doc. 2021–03766 Filed 2–23–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2109]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona: Yavapai ...	City of Prescott (20–09–1903P).	The Honorable Greg Mengarelli, Mayor, City of Prescott, 201 South Cortez Street, Prescott, AZ 86303.	Public Works Department, 433 North Virginia Street, Prescott, AZ 86301.	*https://msc.fema.gov/portal/advanceSearch.*	May 13, 2021	040098
Arkansas: Pulaski	City of Little Rock (20–06–3649P).	The Honorable Frank D. Scott Jr., Mayor, City of Little Rock, 500 West Markham Street, Room 203, Little Rock, AR 72201.	Department of Public Works, 701 West Markham Street, Little Rock, AR 72201.	*https://msc.fema.gov/portal/advanceSearch.*	May 17, 2021	050181

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Colorado:						
Arapahoe	City of Littleton (21–08–0174P).	The Honorable Jerry Valdes, Mayor, City of Littleton, 2255 West Berry Avenue, Littleton, CO 80120.	Public Works Department, 2255 West Berry Avenue, Littleton, CO 80120.	*https://msc.fema.gov/portal/advanceSearch.*	May 7, 2021	080017
Chaffee	Unincorporated areas of Chaffee County (20–08–0467P).	The Honorable Greg Felt, Chairman, Chaffee County Board of Commissioners, P.O. Box 699, Salida, CO 81201.	Chaffee County Planning and Zoning Department, 104 Crestone Avenue, Room 125, Salida, CO 81201.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 28, 2021	080269
Denver	City and County of Denver (20–08–0532P).	The Honorable Michael Hancock, Mayor, City and County of Denver, 1437 North Bannock Street, Room 350, Denver, CO 80202.	Department of Transportation and Infrastructure, 201 West Colfax Avenue, Department 507, Denver, CO 80202.	*https://msc.fema.gov/portal/advanceSearch.*	May 7, 2021	080046
Douglas	Unincorporated areas of Douglas County (20–08–0491P).	The Honorable Roger A. Partridge, Chairman, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Public Works Department, Engineering Division, 100 3rd Street, Castle Rock, CO 80104.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 23, 2021	080049
El Paso	City of Colorado Springs (20–08–0548P).	The Honorable John Suthers, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Suite 601, Colorado Springs, CO 80903.	Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, CO 80910.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 1, 2021	080060
El Paso	Unincorporated areas of El Paso County (20–08–0548P).	The Honorable Mark Waller, Chairman, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, CO 80910.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 1, 2021	080059
Connecticut: New London.	Town of Waterford (20–01–1244P).	The Honorable Robert J. Brule, First Selectman, Town of Waterford Board of Selectmen, 15 Rope Ferry Road, Waterford, CT 06385.	Planning and Development Department, 15 Rope Ferry Road, Waterford, CT 06385.	*https://msc.fema.gov/portal/advanceSearch.*	May 7, 2021	090107
Florida: Polk	Unincorporated areas of Polk County (20–04–3375P).	The Honorable Bill Braswell, Chairman, Polk County Board of Commissioners, P.O. Box 9005, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33830.	*https://msc.fema.gov/portal/advanceSearch.*	May 20, 2021	120261
Georgia: Bryan	Unincorporated areas of Bryan County (20–04–3250P).	The Honorable Carter Infinger, Chairman, Bryan County Board of Commissioners, P.O. Box 430, Pembroke, GA 31321.	Bryan County Department of Community Development, 6 Captain Matthew Freeman Drive, Suite 2016, Richmond Hill, GA 31324.	*https://msc.fema.gov/portal/advanceSearch.*	May 14, 2021	130016
Louisiana: Tangipahoa.	Unincorporated areas of Tangipahoa Parish (20–06–1407P).	Mr. Robby Miller, Tangipahoa Parish President, P.O. Box 215, Amite, LA 70422.	Tangipahoa Parish Office of Community Development, 15485 West Club Deluxe Road, Hammond, LA 70403.	*https://msc.fema.gov/portal/advanceSearch.*	May 5, 2021	220206
North Carolina: Orange.	Unincorporated areas of Orange County (19–04–6660P).	The Honorable Penny Rich, Chair, Orange County Board of Commissioners , P.O. Box 8181, Hillsborough, NC 27278.	Orange County Planning Department, 131 West Margaret Lane, Suite 201, Hillsborough, NC 27278.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 20, 2021	370342
Texas:						
Bexar	City of San Antonio (20–06–1886P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capitol Improvements Department, Storm Water Division, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 12, 2021	480045
Tarrant	City of Fort Worth (20–06–2746P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, Engineering Vault, 200 Texas Street, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	May 13, 2021	480596

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Webb	Unincorporated areas of Webb County (20–06–2119P).	The Honorable Tano E. Tijerina, Webb County Judge, 1000 Houston Street, 3rd Floor, Laredo, TX 78040.	Webb County Planning Department, 1110 Washington Street, Suite 302, Laredo, TX 78040.	*https://msc.fema.gov/portal/advanceSearch.*	Apr. 19, 2021	481059
Virginia: Tazewell ..	Unincorporated areas of Tazewell County (20–03–1438P).	The Honorable Charles A. Stacy, Chairman, Tazewell County Board of Supervisors, P.O. Box 1025, Bluefield, VA 25605.	Tazewell County Engineering Department, 173 Main Street, Tazewell, VA 24651.	*https://msc.fema.gov/portal/advanceSearch.*	May 13, 2021	510160

[FR Doc. 2021–03764 Filed 2–23–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2021–0006; OMB No. 1660–0058]

Agency Information Collection Activities: Proposed Collection; Comment Request; Fire Management Assistance Grant Program

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on an extension, without change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Fire Management Assistance Grant (FMAG) Program.

DATES: Comments must be submitted on or before April 26, 2021.

ADDRESSES: To avoid duplicate submissions to the docket, please use the following means to submit comments: *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2021–0006. Follow the instructions for submitting comments.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy and Security Notice that is available via the link on the homepage of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Antonio Jones, FMAG Program Specialist, Office of Response & Recovery, FEMA, (540) 320–1928. You may contact the Information Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The information collection is required for Fire Management Assistance Grant Program (FMAGP) eligibility determinations, grants management, and compliance with other federal laws and regulations. FEMA's regulations, at 44 CFR part 204, specify the information collections necessary to facilitate the provision of assistance under the FMAGP. FMAGP was established under Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C 5187, as amended by section 303 of the Disaster Mitigation Act of 2000, and authorizes the President to provide assistance to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

Collection of Information

Title: Fire Management Assistance Grant Program.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0058.

FEMA Forms: FEMA Form 078–0–1, Request for Fire Management Assistance Declaration; FEMA Form 089–0–24, Request for Fire Management Sub-grant; FEMA Form 078–0–2, Principal Advisor's Report.

Abstract: The information collection is required to make grant eligibility determinations for the Fire Management Assistance Grant Program (FMAGP). These eligibility-based grants and subgrants provide assistance to any eligible State, Tribal government, or local government for the mitigation, management, and control of a fire on public or private forest land or grassland that is threatening such destruction as would constitute a major disaster. The information gathered in the forms is used to determine the severity of the threatening fire, current and forecast weather conditions, and associated factors related to the fire and its potential threat as a major disaster.

Affected Public: State, Tribal, or local, government.

Number of Respondents: 178.

Number of Responses: 553.

Estimated Total Annual Burden Hours: 810.5 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $66,437. There are no annual costs to respondents' operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $635,322.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submission of responses.

Millicent L. Brown,

Senior Manager, Records Management Branch, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2021–03796 Filed 2–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2103]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before May 25, 2021.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2103, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
DeKalb County, Alabama and Incorporated Areas Project: 18–04–0007S Preliminary Date: September 7, 2020	
City of Rainsville	City Hall, 70 McCurdy Avenue South, Rainsville, AL 35986.
Town of Crossville	Town Hall, 14521 Alabama Highway 68, Crossville, AL 35962.
Town of Fyffe	Town Hall, 514 Campbell Street, Fyffe, AL 35971.

Community	Community map repository address
Town of Geraldine	Town Hall, 41343 Alabama Highway 75, Geraldine, AL 35974.
Town of Henagar	City Hall, 9252 Burton Drive, Henager, AL 35978.
Town of Ider	Town Hall, 10793 Alabama Highway 75, Ider, AL 35981.
Town of Lakeview	Lakeview City Hall, 39333 Alabama Highway 75, Fyffe, AL 35971.
Town of Powell	Powell Town Hall, 110 Broad Street North, Fyffe, AL 35971.
Town of Shiloh	Shiloh Town Hall, 2489 Main Street Shiloh, Rainsville, AL 35986.
Town of Sylvania	Municipal Complex, 22957 Sylvania Avenue South, Sylvania, AL 35988.
Unincorporated Areas of DeKalb County	DeKalb County Engineer's Office, 111 Grand Avenue Southwest, Suite 115, Fort Payne, AL 35967.
Etowah County, Alabama and Incorporated Areas Project: 18–04–0007S Preliminary Date: September 7, 2020	
Town of Sardis City	Town Hall, 1335 Sardis Drive, Sardis City, AL 35956.
Unincorporated Areas of Etowah County	Etowah County Engineer's Office, 402 Tuscaloosa Avenue, Gadsden, AL 35901.
Jackson County, Alabama and Incorporated Areas Project: 18–04–0007S Preliminary Date: September 7, 2020	
City of Bridgeport	City Hall, 116 Jim B Thomas Avenue, Bridgeport, AL 35740.
City of Scottsboro	City Hall, 316 South Broad Street, Scottsboro, AL 35768.
City of Stevenson	City Hall, 104 Kentucky Avenue, Stevenson, AL 35772.
Town of Dutton	Jackson County Public Works Department, 395 Shelby Drive, Scottsboro, AL 35769.
Town of Hollywood	Town Hall, 29164 U.S. Highway 72, Hollywood, AL 35752.
Town of Langston	Jackson County Public Works Department, 395 Shelby Drive, Scottsboro, AL 35769.
Town of Pisgah	Town Hall, 2351 County Road 58, Pisgah, AL 35765.
Town of Section	Town Hall, 72 Dutton Road, Section, AL 35771.
Unincorporated Areas of Jackson County	Jackson County Public Works Department, 395 Shelby Drive, Scottsboro, AL 35769.
Marshall County, Alabama and Incorporated Areas Project: 18–04–0007S Preliminary Date: September 7, 2020	
City of Albertville	City Hall, 116 West Main Street, Albertville, AL 35950.
City of Boaz	City Hall, 112 North Broad Street, Boaz, AL 35957.
City of Guntersville	City Hall, 341 Gunter Avenue, Guntersville, AL 35976.
Unincorporated Areas of Marshall County	Marshall County Engineering Department, 424 Blount Avenue, Suite A337, Guntersville, AL 35976.
Frederick County, Maryland and Incorporated Areas Project: 14–03–1939S Preliminary Date: September 28, 2018, June 19, 2020, August 19, 2020, and December 2, 2020	
City of Brunswick	City Annex, Planning and Zoning Department, 601 East Potomac Street, Brunswick, MD 21716.
City of Frederick	City Office Annex, Engineering Department, 140 West Patrick Street, 3rd Floor, Frederick, MD 21701.
Town of Burkittsville	Town Office, 500 East Main Street, Burkittsville, MD 21718.
Town of Emmitsburg	Planning and Zoning Department, 300A South Seton Avenue, Emmitsburg, MD 21727.
Town of Middletown	Municipal Center, 31 West Main Street, Middletown, MD 21769.
Town of Myersville	Town Hall, 301 Main Street, Myersville, MD 21773.
Town of New Market	Town Hall, 39 West Main Street, New Market, MD 21774.
Town of Thurmont	Town Office, 615 East Main Street, Thurmont, MD 21788.
Town of Walkersville	Town Hall, 21 West Frederick Street, Walkersville, MD 21793.
Town of Woodsboro	Town of Woodsboro Planning and Zoning Department, Winchester Hall, 12 East Church Street, Frederick, MD 21701.
Unincorporated Areas of Frederick County	Frederick County Planning and Zoning Department, 30 North Market Street, Frederick, MD 21701.
Village of Rosemont	Office of the Burgess, 3513 Petersville Road, Knoxville, MD 21758.

[FR Doc. 2021–03765 Filed 2–23–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2111]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before May 25, 2021.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload/* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2111, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload/* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Charlevoix County, Michigan (All Jurisdictions) **Project: 13–05–4241S Preliminary Date: June 30, 2020**	
City of Charlevoix	City Hall, 210 State Street, Charlevoix, MI 49720.
Little Traverse Bay Bands of Odawa Indians	Little Traverse Bay Bands of Odawa Indians Government Center, 7500 Odawa Circle, Harbor Springs, MI 49740.
Township of Charlevoix	Charlevoix Township Hall, 12491 Waller Road, Charlevoix, MI 49720.
Township of Hayes	Hayes Township Hall, 9195 Old U.S. 31 Highway North, Charlevoix, MI 49720.
Township of Norwood	Charlevoix County Building, 301 State Street, Charlevoix, MI 49720.

Community	Community map repository address
Township of Peaine	Peaine Township Hall, 36825 Kings Highway, Beaver Island, MI 49782.
Township of St. James	St. James Township Government Center, 37830 Kings Highway, Beaver Island, MI 49782.

[FR Doc. 2021–03767 Filed 2–23–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of June 2, 2021 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Los Angeles County, California and Incorporated Areas Docket No.: FEMA–B–1951	
City of Santa Clarita	City Hall, 23920 Valencia Boulevard, Suite 300, Santa Clarita, CA 91355.
Unincorporated Areas of Los Angeles County	Los Angeles County Watershed Management, 900 South Fremont Avenue, Alhambra, CA 91803.
Manistee County, Michigan (All Jurisdictions) Docket No.: FEMA–B–2001	
Charter Township of Filer	Filer Charter Township Hall, 2505 Filer City Road, Manistee, MI 49660.
City of Manistee	Manistee County Planning Department, 415 Third Street, Manistee, MI 49660.
Township of Arcadia	Township Hall, 3422 Lake Street, Arcadia, MI 49613.
Township of Brown	Brown Township Hall, 8233 Coates Highway, Manistee, MI 49660.
Township of Manistee	Township Hall, 410 Holden Street, Manistee, MI 49660.
Township of Onekama	Township Offices, 5435 Main Street, Onekama, MI 49675.
Township of Pleasanton	Pleasanton Township Hall, 8958 Lumley Road, Bear Lake, MI 49614.
Township of Stronach	Stronach Township Hall, 2471 Main Street, RR3, Manistee, MI 49660.
Village of Eastlake	Village Hall, 175 South Main Street, Eastlake, MI 49626.
Village of Onekama	Village Offices, 5283 Main Street, Onekama, MI 49675.

Community	Community map repository address
Onslow County, North Carolina and Incorporated Areas Docket No.: FEMA–B–1718	
Town of Holly Ridge	Town Hall, 212 North Dyson Street, Holly Ridge, NC 28445.
Town of North Topsail Beach	Town Hall, 2008 Loggerhead Court, North Topsail Beach, NC 28460.
Unincorporated Areas of Onslow County	Onslow County Floodplain Administration, 234 Northwest Corridor Boulevard, Jacksonville, NC 28540.

[FR Doc. 2021–03768 Filed 2–23–21; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2006–24191]

Revision of Agency Information Collection Activity Under OMB Review: Transportation Worker Identification Credential (TWIC®) Program

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0047, abstracted below to OMB for review and approval of a revision of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of biographic and biometric information that TSA uses to verify identity and conduct a security threat assessment (STA) for the TWIC® Program, and a customer satisfaction survey.

DATES: Send your comments by March 26, 2021. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on July 2, 2020, 85 FR 39927.

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

Title: Transportation Worker Identification Credential (TWIC®) Program.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 1652–0047.

Forms(s): TWIC® Disclosure and Certification Form, TWIC® Pre-Enrollment Application, TWIC® Enrollment Application, TWIC® Card Replacement Request, and TWIC® Customer Satisfaction Survey.

Affected Public: Individuals seeking or requiring unescorted access to secure areas within the TSA's national and transportation security mission or facilities and vessels regulated under the Maritime Transportation Security Act of 2002 (Pub. L. 107–295; Nov. 25, 2002; sec. 102), other authorized individuals in the field of transportation, and all mariners holding U.S. Coast Guard-issued credentials or qualification documents.

Abstract: The data collected will be used for processing TWIC® enrollments as well as to allow expanded enrollment options for additional comparability or eligibility determinations for other programs, such as the Hazardous Materials Endorsement Threat Assessment Program. Individuals in the field of transportation who are authorized to apply for a TWIC® for use as part of other government programs, such as the Chemical Facility Anti-Terrorism program, may apply for a TWIC® and undergo the associated STA. The data is used to conduct a comprehensive STA that includes: (1) A criminal history records check; (2) a check of intelligence databases; and (3) an immigration status check. TSA may also use the information to determine a TWIC® holder's eligibility to participate in TSA's expedited screening program for air travel, the TSA PreCheck® Application Program. Active (unexpired) TWIC® holders who meet the eligibility requirements for TSA PreCheck may use their TWIC® card's Credential Identification Number in the appropriate known traveler number field of an airline reservation to obtain expedited screening eligibility.

At the enrollment center, applicants verify their biographic information and provide identity documentation, biometric information, and proof of immigration status (if required). This information allows TSA to complete the STA. During enrollment, TSA collects from applicants a $125.25 fee for standard enrollment. If TSA determines that the applicant is eligible to receive a TWIC® as a result of the STA, TSA issues and sends an activated TWIC® card to the address provided by the applicant or notifies the applicant that their TWIC® is ready for pick up and activation at an enrollment center. Once activated, this credential can be used for facility and vessel access control requirements to include card

authentication, card validation, and identity verification. In the event of a lost, damaged or stolen credential, the cardholder must notify TSA immediately and may request a replacement card online, via telephone, or from an enrollment center for a $60.00 fee.

Under section 809 of the United States Coast Guard Authorization Act of 2010 Sec. 809, certain Merchant Mariners are not required to obtain a credential when they apply for their TWIC® STA. TSA is revising the currently approved collection to reflect a reduction for Section 809 qualified Merchant Mariners. If a mariner opts to not receive a TWIC® card, TSA may reduce the TWIC® fee to reflect only the enrollment and vetting segments of the fee, a fee reduction of $27.

TSA is also revising the collection to reflect the implementation of an online renewal or re-enrollment capability for those applicants who previously maintained an active TWIC® STA. Approximately 60 percent of active TWIC® cardholders enroll for a new TWIC® after their STA expires five years from the date of issuance. Online TWIC® renewals will reduce the applicant cost and hour burden by permitting eligible applicants to obtain a new TWIC® without enrolling in-person at a TSA enrollment center. Additionally, TSA mitigates certain security risks associated with online renewals by enrolling current TWIC® cardholders in recurrent vetting services, such as the Federal Bureau of Investigation's Rap Back Service. The renewal fee for TWIC® will decrease with the implementation of online renewals.

TSA invites all TWIC® applicants to complete an optional survey to gather information on the applicants' overall customer satisfaction with the enrollment process. This optional survey is administered at the conclusion of the enrollment process, including the new online renewals, and the process to activate the TWIC®, where applicable. The results from these surveys are compiled to produce reports that are reviewed by the enrollment services provider and TSA.

Number of Annual Respondents: 744,345.[1]

Estimated Annual Burden Hours: An estimated 413,162 hours annually.

Estimated Annual Cost: $64,842,153.

Dated: February 18, 2021.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2021–03723 Filed 2–23–21; 8:45 am]

BILLING CODE 9110–05–P

[1] The burdens listed here are different from what was listed in the 60-Day Notice. TSA modified the estimates to include online renewals and a fee reduction for renewals. TSA also modified the collection to reflect a reduction for Section 809 Merchant Mariners who do not request a credential and therefore save $27 in credential fees.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7034–N–08; OMB Control No. 2528–New]

30-Day Notice of Proposed Information Collection: EnVision Centers Implementation Evaluation

AGENCY: Office of the Chief Information Officer, 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 30 days of public comment.

DATES: *Comments Due Date:* March 26, 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: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax:202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email her at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Person 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. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 17, 2020 at 85 FR 73291.

A. Overview of Information Collection

Title of Information Collection: EnVision Centers Implementation Evaluation.

OMB Approval Number: 2528–New.

Type of Request: New collection.

Form Number: NA.

Description of the need for the information and proposed use: This request is for the collection of information for an implementation evaluation of EnVision Centers. EnVision Centers offer collocated and integrated services with the goal of helping low-income persons achieve self-sufficiency. Using leveraged resources from local and federal partnerships, HUD encourages EnVision Centers to target and integrate services within four main pillars: Economic empowerment, educational advancement, health and wellness, and character and leadership. In June 2018, HUD designated 18 EnVision Centers as part of the initiative's first cohort of designations and has since expanded the initiative with over 90 EnVision Centers to date. This creates a critical need to gain an in-depth understanding from local stakeholders of implementation efforts to date, which will help develop and guide the initiative while establishing a framework of knowledge for future program monitoring and evaluation efforts. The evaluation team will collect data from sites using qualitative, semi-structured interviews with four groups of key local stakeholders: Site leadership, front line staff, participants, and representatives from organizations (partners) that provide services and resources to the EnVision Center. The interviews will primarily seek to understand how communities selected and established their center, the process for centralized intake and participant level data collection, and how new partnerships and services have developed since the center's designation. Through an Inter-Agency Agreement (IAA), the Library of Congress' Federal Research Division will conduct the evaluation under guidance from HUD.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Qualitative Interviews—Leadership	90	1	90	1	90	$35.05	$3,154.50
Qualitative Interviews—Front Line Staff	54	1	54	1	54	17.39	939.06
Qualitative Interviews—Participants	90	1	90	1	90	7.25	652.50
Qualitative Interviews—Partners	36	1	36	1	36	17.39	626.04
Total	270				270		5,372.10

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.

(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.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2021–03806 Filed 2–23–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD6000. L51010000. ER0000. LVRWB20B5120. 20XL1109AF; MO#4500145013]

Notice of Availability of the Crimson Solar Final Environmental Impact Statement and Proposed Land Use Plan Amendment, Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) and Proposed Land Use Plan Amendment to the California Desert Conservation Area (CDCA) Plan for the Crimson Solar Project, Riverside County, California, and by this notice is announcing its availability.

DATES: BLM planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's Proposed Land Use Plan Amendment. A person who meets the conditions and files a protest must do so within 30 days of the U.S. Environmental Protection Agency's (EPA) publication of its Notice of Availability in the **Federal Register**. The EPA published its Notice of Availability on February 12, 2021 (86 FR 9335).

ADDRESSES: You may review the Final EIS/Plan Amendment at *https://go.usa.gov/xACdN.* Instructions for filing a protest regarding the proposed Resource Management Plan Amendment are at: *https://www.blm.gov/programs/planning-and-nepa/public-participation/filing-a-plan-protest* and at 43 CFR 1610.5–2.

FOR FURTHER INFORMATION CONTACT: Miriam Liberatore, Project Manager, telephone 541–618–2200, email *mliberat@blm.gov;* mailing address Bureau of Land Management, 3040 Biddle Road, Medford, OR 97504. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Liberatore during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Sonoran West Solar Holdings LLC (the Applicant), a wholly owned subsidiary of Recurrent Energy LLC, applied for a right-of-way (ROW) grant for a photovoltaic solar project with the BLM. The applicant proposes to construct, operate, maintain, and decommission a maximum 350-megawatt solar photovoltaic facility with integrated battery storage and necessary ancillary facilities, including project substations, access roads, operations and maintenance buildings, and lay down areas. The Proposed Action includes 2,500 acres of BLM-administered land in Riverside County, California. The CDCA requires newly proposed utility sites not previously identified in the plan and proposed transmission lines outside designated utility corridors to be considered through a Plan Amendment. This decision therefore would amend the CDCA Plan to identify the Crimson Solar Project site as suitable for solar energy generation and to recognize the development of a high-voltage transmission line outside a designated corridor.

The BLM is the lead NEPA agency and will make Federal decisions regarding the proposed Plan Amendment and the ROW for the Project. The U.S. Fish and Wildlife Service is a Cooperating Agency and issued a Biological Opinion for the project on February 22, 2020. The U.S. EPA (Region 9) is a Cooperating Agency but does not have a direct permitting role in the project. The California

Department of Fish and Wildlife (CDFW) is the lead agency under the California Environmental Quality Act and will decide whether to issue the applicant an Incidental Take Permit and/or a Lake and Streambed Alteration Agreement. The CDFW will release a Final Environmental Impact Report (EIR) independent of this EIS/Plan Amendment.

The Draft EIS/EIR/Plan Amendment was available for a 90-day public comment period on November 1, 2019 (84 FR 58738). The BLM held public meetings on December 2 and 3, 2019, in Palm Desert and Blythe, respectively. Twenty-one comments were received during the comment period. Responses to substantive comments are in Appendix W of the Final EIS/Plan Amendment (Responses to Comments). Public comments resulted in the addition of clarifying text but did not warrant changes to the analysis or conclusions.

In addition to the Proposed Action (Alternative A), the Final EIS/Plan Amendment considers a no action alternative and two action alternatives. Alternative B, Alternative Design, would include one or more of three design elements to reduce grading, trenching, and vegetation removal during construction. Alternative C, Reduced Acreage, would be the same as described under Alternative A in the number and size of project-related facilities and energy generation, but the project area would be reduced to 2,049 acres. All action alternatives would amend the CDCA plan to allow the project. The Agency Preferred Alternative combines Alternative B (reduced grading and reduced vegetation removal) and Alternative C (reduced acreage).

The BLM utilized and coordinated the NEPA process to help fulfill the public involvement process under the National Historic Preservation Act (54 U.S.C. 306108), as provided in 36 CFR 800.2(d)(3).

All protests must be in writing and submitted in accordance with the instructions outlined at: *https://www.blm.gov/programs/planning-and-nepa/public-participation/filing-a-plan-protest* and at 43 CFR 1610.5–2. A written decision will be rendered on each protest and mailed to each protesting party. This decision will be the final decision of the Department of the Interior on each protest. Responses to protest issues will be compiled in a Protest Resolution Report made available following issuance of the decisions. Upon resolution of all protests, a Record of Decision will be issued, which will include information on any further opportunities for public involvement.

Before including your phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6; 40 CFR 1506.10; 43 CFR 1610.2; 43 CFR 1610.5; 42 U.S.C. 4370m–6(a)(1).

Karen E. Mouritsen,

BLM California State Director.

[FR Doc. 2021–03833 Filed 2–23–21; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031474; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Kaloko-Honokōhau National Historical Park, Kailua-Kona, HI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Kaloko-Honokōhau National Historical Park has completed an inventory of human remains in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Kaloko-Honokōhau National Historical Park. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Kaloko-Honokōhau National Historical Park at the address in this notice by March 26, 2021.

ADDRESSES: John Broward, Superintendent, Kaloko-Honokōhau National Historical Park, 73–4786 Kanalani Street #14, Kailua-Kona, HI 96740, telephone (808) 329–6881 Ext. 1201, email *john_broward@nps.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the U.S. Department of the Interior, National Park Service, Kaloko-Honokōhau National Historical Park, Kailua-Kona, HI. The human remains were removed from Kaloko, Hawaii County, HI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Kaloko-Honokōhau National Historical Park.

Consultation

A detailed assessment of the human remains was made by Kaloko-Honokōhau National Historical Park professional staff in consultation with representatives of the Office of Hawaiian Affairs and representatives of the ʻohana of Annandale (Kailea); Ayau (Halealoha); Ching (Ulu); Harp (Paka); Lee (Reggie); Lui, (Nicole); Naboa (Nona); Nelson (Shane); Pai (Mahealani); and Vincent (William Kahale).

History and Description of the Remains

In 1971, human remains representing, at minimum, two individuals were removed from site D13–15 in Hawaii County, HI, during archeological excavations by the University of California at Santa Barbara prior to the establishment of Kaloko-Honokōhau National Historical Park. The human remains were donated to the National Park Service in 1991 along with other cultural material from the archeological work at Kaloko. When donated, the human remains were described as non-human, animal bone fragments. These remains were identified as human in 2019. No known individuals were identified. No associated funerary objects are present.

Site D13–15 is a permanent habitation complex that dates to traditional Hawaiian, pre-European contact times and is identified as Native Hawaiian.

Determinations Made by the U.S. Department of the Interior, National Park Service, Kaloko-Honokōhau National Historical Park

Officials of the U.S. Department of the Interior, National Park Service, Kaloko-Honokōhau National Historical Park have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the ʻohana of Annandale (Kailea); Ayau (Halealoha); Ching (Ulu); Harp (Paka); Lee (Reggie); Lui (Nicole); Naboa (Nona); Nelson (Shane); Pai (Mahealani); and Vincent (William Kahale).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to John Broward, Superintendent, Kaloko-Honokōhau National Historical Park, 73–4786 Kanalani Street #14, Kailua-Kona, HI 96740, telephone (808) 329–6881 Ext. 1201, email *john_broward@nps.gov,* by March 26, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to the ʻohana of Annandale (Kailea); Ayau (Halealoha); Ching (Ulu); Harp (Paka); Lee (Reggie); Lui, (Nicole); Naboa (Nona); Nelson (Shane); Pai (Mahealani); and Vincent (William Kahale) may proceed.

The U.S. Department of the Interior, National Park Service, Kaloko-Honokōhau National Historical Park is responsible for notifying the Office of Hawaiian Affairs and the ʻohana of Annandale (Kailea); Ayau (Halealoha); Ching (Ulu); Harp (Paka); Lee (Reggie); Lui, (Nicole); Naboa (Nona); Nelson (Shane); Pai (Mahealani); and Vincent (William Kahale) that this notice has been published.

Dated: February 4, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–03717 Filed 2–23–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0031480; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Denver Museum of Anthropology, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Denver Museum of Anthropology has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the University of Denver Museum of Anthropology. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the University of Denver Museum of Anthropology at the address in this notice by March 26, 2021.

ADDRESSES: Anne Amati, University of Denver Museum of Anthropology, 2000 E Asbury Avenue, Sturm Hall 146, Denver, CO 80208, telephone (303) 871–2687, email *anne.amati@du.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of Denver Museum of Anthropology, Denver, CO. The human remains were removed from the Buick Camp Site, Elbert County, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Denver Museum of Anthropology professional staff in consultation with representatives of the Pawnee Nation of Oklahoma.

The Apache Tribe of Oklahoma; Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma [previously listed as Cheyenne-Arapaho Tribes of Oklahoma]; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Eastern Shoshone Tribe of the Wind River Reservation, Wyoming [previously listed as Shoshone Tribe of the Wind River Reservation, Wyoming]; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Kewa Pueblo, New Mexico [previously listed as Pueblo of Santo Domingo]; Kiowa Indian Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico, & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe [previously listed as Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota]; Ohkay Owingeh, New Mexico [previously listed as Pueblo of San Juan]; Pueblo of San Felipe, New Mexico; Pueblo of Santa Clara, New Mexico; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Mountain Ute Tribe [previously listed as Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, & Utah]; and the Zuni Tribe of the Zuni Reservation, New Mexico were invited to consult but did not participate (hereafter, the non-participating Indian Tribes are referred to as ''The Invited Tribes'').

History and Description of the Remains

In the 1950s, human remains representing, at minimum, one individual were removed from the Buick Camp Site in Elbert County, CO, by Dr. Arnold M. Withers of the University of Denver. In January of 2020, the human remains were discovered in faunal collections at the University of Denver Museum of

Anthropology. The human remains are a shovel shaped incisor with a groove between the enamel and the tooth root. No known individual was identified. No associated funerary objects are present.

Museum records indicate that the Buick Camp Site represents a High Plains Upper Republican occupation. Radiocarbon analysis dates the Buick Camp Site to 664–770 A.D., which corresponds to the Plains Woodland Period. Archeologists identify the Upper Republican culture as ancestral Pawnee. Elbert County is within the cultural landscape of the Pawnee Nation. Based on archeological and historical evidence, the Buick Camp Site was situated in an area where bison were harvested at least bi-annually.

Determinations Made by the University of Denver Museum of Anthropology

Officials of the University of Denver Museum of Anthropology have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Pawnee Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Anne Amati, University of Denver Museum of Anthropology, 2000 E Asbury Avenue, Sturm Hall 146, Denver, CO 80208, telephone (303) 871–2687, email *anne.amati@du.edu,* by March 26, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Pawnee Nation of Oklahoma may proceed.

The University of Denver Museum of Anthropology is responsible for notifying the Pawnee Nation of Oklahoma and The Invited Tribes that this notice has been published.

Dated: February 5, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–03716 Filed 2–23–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–797]

Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: AJC Industries, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to its regulations governing the program of growing marihuana for scientific and medical research under DEA registration.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections to the issuance of the proposed registration on or before April 26, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW 8701 Morrissette Drive, Springfield, Virginia 22152. To ensure proper handling of comments, please reference Docket No. DEA–797 in all correspondence, including attachments.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), DEA is providing notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections of the requested registration, as provided in this notice. This notice does not constitute any evaluation or determination of the merits of the application submitted.

The applicant plans to manufacture bulk active pharmaceutical ingredients (APIs) for product development and distribution to DEA-registered researchers. If the application for registration is granted, the registrant would not be authorized to conduct other activity under this registration aside from those coincident activities specifically authorized by DEA regulations. DEA will evaluate the application for registration as a bulk manufacturer for compliance with all applicable laws, treaties, and regulations and to ensure adequate safeguards against diversion are in place.

As this applicant has applied to become registered as a bulk manufacturer of marihuana, the application will be evaluated under the criteria of 21 U.S.C. 823(a). DEA will conduct this evaluation in the manner described in the rule published at 85 FR 82333 on December 18, 2020, and reflected in DEA regulations at 21 CFR part 1318.

In accordance with 21 CFR 1301.33(a), DEA is providing notice that on January 14, 2021, AJC Industries Inc., 19469 County Road H, Ordway, Colorado 81063–9739, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana extraxt	7350	I
Marihuana	7360	I

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–03755 Filed 2–23–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–794]

Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: GGGYI LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to its regulations governing the program of growing marihuana for scientific and medical research under DEA registration.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections to the issuance of the proposed registration on or before April 26, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW 8701 Morrissette Drive, Springfield, Virginia 22152. To ensure proper handling of comments, please reference Docket No. DEA–794 in all correspondence, including attachments.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), DEA is providing notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections of the requested registration, as provided in this notice. This notice does not constitute any evaluation or determination of the merits of the application submitted.

The applicant plans to manufacture bulk active pharmaceutical ingredients (APIs) for product development and distribution to DEA-registered researchers. If the application for registration is granted, the registrant would not be authorized to conduct other activity under this registration aside from those coincident activities specifically authorized by DEA regulations. DEA will evaluate the application for registration as a bulk manufacturer for compliance with all applicable laws, treaties, and regulations and to ensure adequate safeguards against diversion are in place.

As this applicant has applied to become registered as a bulk manufacturer of marihuana, the application will be evaluated under the criteria of 21 U.S.C. 823(a). DEA will conduct this evaluation in the manner described in the rule published at 85 FR 82333 on December 18, 2020, and reflected in DEA regulations at 21 CFR part 1318.

In accordance with 21 CFR 1301.33(a), DEA is providing notice that on January 25, 2021, GGGYI LLC, 4168 South Drexel Boulevard 2A, Chicago, Illinois 60653, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–03754 Filed 2–23–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–770]

Bulk Manufacturer of Controlled Substances Application: Sigma Aldrich Research Biochemicals, Inc

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Sigma Aldrich Research Biochemicals, Inc, has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 26, 2021. Such persons may also file a written request for a hearing on the application on or before April 26, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on December 17, 2020, Sigma Aldrich Research Biochemicals, Inc, 400–600 Summit Drive, Burlington, Massachusetts 01803, applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Cathinone	1235	I
4-Methyl-N-Methylcathinone	1248	I
Methaqualone	2565	I
JWH-018 & AM678	7118	I
Lysergic Acid Diethylamide	7315	I
Tetrahydrocannabinols	7370	I
Mescaline	7381	I
3,4-Methylenedioxymethamphetamine	7405	I
Alpha-Methyltryptamine	7432	I
Dimethyltryptamine	7435	I
5-Methoxy-N,N-Diisopropyltryptamine	7439	I
1-Benzylpiperazine	7493	I
2-(2,5-Dimethoxyphenyl) Ethanamine	7517	I
3,4-Methylenedioxypyrovalerone	7535	I
3,4-Methylenedioxy-N-Methylcathinone	7540	I
Heroin	9200	I
Normorphine	9313	I
Norlevorphanol	9634	I
Amphetamine	1100	II
Methylphenidate	1724	II
Nabilone	7379	II
Phencyclidine	7471	II
Cocaine	9041	II

Controlled substance	Drug code	Schedule
Codeine	9050	II
Ecgonine	9180	II
Levorphanol	9220	II
Meperidine	9230	II
Methadone	9250	II
Morphine	9300	II
Thebaine	9333	II
Levo-Alphacetylmethadol (LAAM)	9648	II
Noroxymorphone	9668	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Fentanyl	9801	II

The company plans to manufacture reference standards.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–03760 Filed 2–23–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–796]

Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: Livwell Michigan, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to its regulations governing the program of growing marihuana for scientific and medical research under DEA registration.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections to the issuance of the proposed registration on or before April 26, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW 8701 Morrissette Drive, Springfield, Virginia 22152. To ensure proper handling of comments, please reference Docket No. DEA–796 in all correspondence, including attachments.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), DEA is providing notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefor, may file written comments on or objections of the requested registration, as provided in this notice. This notice does not constitute any evaluation or determination of the merits of the application submitted.

The applicant plans to manufacture bulk active pharmaceutical ingredients (APIs) for product development and distribution to DEA-registered researchers. If the application for registration is granted, the registrant would not be authorized to conduct other activity under this registration aside from those coincident activities specifically authorized by DEA regulations. DEA will evaluate the application for registration as a bulk manufacturer for compliance with all applicable laws, treaties, and regulations and to ensure adequate safeguards against diversion are in place.

As this applicant has applied to become registered as a bulk manufacturer of marihuana, the application will be evaluated under the criteria of 21 U.S.C. 823(a). DEA will conduct this evaluation in the manner described in the rule published at 85 FR 82333 on December 18, 2020, and reflected in DEA regulations at 21 CFR part 1318.

In accordance with 21 CFR 1301.33(a), DEA is providing notice that on January 25, 2021, Livwell Michigan, LLC, 21550 Hoover Road, Warren, Michigan 48089, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–03759 Filed 2–23–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–792]

Bulk Manufacturer of Controlled Substances Application: Synthcon LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Synthcon LLC, has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 26, 2021. Such persons may also file a written request for a hearing on the application on or before April 26, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on January 5, 2021, Synthcon LLC., 770 Wooten Road, Suite 101, Colorado Springs, Colorado 80915–3538, applied to be registered as a bulk

manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
3-FMC	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-FMC	1238	I
Pentedrone	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-MEC	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Aminorex	1585	I
Cis-4-Methylaminorex	1590	I
GHB	2010	I
Methaqualone	2565	I
Mecloqualone	2572	I
JWH-250	6250	I
ADB-PINACA	7035	I
JWH-018	7118	I
JWH-073	7173	I
JWH-200	7200	I
JWH-203	7203	I
4-Methyl-alpha-ethylaminopentiophenone	7245	I
N-Ethyhexedrone	7246	I
AET	7249	I
Ibogaine	7260	I
CP-47,497	7297	I
CP-47,497 C8 HOMOLOG	7298	I
LSD	7315	I
2C-T-7	7348	I
Tetrahydrocannabinols	7370	I
Mescaline	7381	I
2C-T-2	7385	I
3,4,5-TMA	7390	I
DOB	7391	I
2CB	7392	I
DOM	7395	I
2,5-DMA	7396	I
JWH-398	7398	I
DOE	7399	I
MDA	7400	I
5-METHOXY-MDA	7401	I
N-HYDROXY-MDA	7402	I
MDEA	7404	I
MDMA	7405	I
PMA	7411	I
5-MeO-DMT	7431	I
AMT	7432	I
Bufotenine	7433	I
DET	7434	I
DMT	7435	I
Psilocybin	7437	I
Psilocin	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
4-Methyl-alpha-pyrrolidinohexiophenone	7446	I
PCE	7455	I
PCPy	7458	I
TCP	7470	I
TCPy	7473	I
JB323	7482	I
JB336	7484	I
BZP	7493	I
4-MePPP	7498	I
2C-D	7508	I
2C-E	7509	I
2C-H	7517	I
2C-I	7518	I
2C-C	7519	I
2C-N	7521	I
2C-P	7524	I
2C-T-4	7532	I
MDPV	7535	I

Controlled substance	Drug code	Schedule
25B-NBOME	7536	I
25C-NBOME	7537	I
25I-NBOME	7538	I
Methylone	7540	I
Butylone	7541	I
Pentylone	7542	I
N-Ethylpentyloe	7543	I
Alpha-Pyrrolidinohexanophenone	7544	I
Alpha-PVP	7545	I
Alpha-PBP	7546	I
Ethylone	7547	I
AM-694	7694	I
Pseudoephedrine	8112	I
Ephedrine	8113	I
Heroin	9200	I
Normorphine	9313	I
Acetorphine	9319	I
U-47700	9547	I
AH-7921	9551	I
MT-45	9560	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Benzethidine	9606	I
Betacetylmethadol	9607	I
Clonitazine	9612	I
Isontonitazene	9614	I
Diampromide	9615	I
Diethylthiambutene	9616	I
Dimethylthiambutene	9619	I
Etonitazene	9624	I
Ketobemidone	9628	I
MPPP	9661	I
PEPAP	9663	I
Tilidine	9750	I
Acryl Fentanyl	9811	I
Para-fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
Ortho-fluorofentanyl	9816	I
Acetylfentanyl	9821	I
Butyrylfentanyl	9822	I
Para-fluorofentanyl	9823	I
Methoxyacetyl fentanyl	9825	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I
Para-chloroisobutyryl fentanyl	9826	I
Isobutyrylfentanyl	9827	I
Beta-Hydroxyfentanyl	9830	I
Beta-Hydroxy-3-methylfentanyl	9831	I
Alpha-Methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanylfentanyl	9834	I
Thiofentanyl	9835	I
Beta-Hydroxythiofentanyl	9836	I
Para-Methoxybutyryl Fetnanyl	9837	I
Ocfentanil	9838	I
Valeryl Fentanyl	9840	I
Tetrahydrofuranyl Fentanyl	9843	I
Crotonyl Fentanyl	9844	I
Cyclopropyl Fentanyl	9845	I
Cyclopentyl Fentanyl	9847	I
Fentanyl Related Compounds	9850	I
Amphetamine	1100	II
Methamphetamine	1105	II
1-Phenylcyclohexylamine	7460	II
PCP	7471	II
ANPP	8333	II
Norfentanyl	8366	II
P2P	8501	II
PCC	8603	II
Alphaprodine	9010	II

Controlled substance	Drug code	Schedule
Anileridine	9020	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Levorphanol	9220	II
Meperidine	9230	II
Meperidine Intermediate-A	9232	II
Meperidine Intermediate-B	9233	II
Meperidine Intermediate-C	9234	II
Dextropropoxyphene	9273	II
Levo-alphacetylmethadol	9648	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacture the above listed controlled substances as analytical reference materials, proficiency test materials and academic research materials for distribution to its customers. No other activities for these drug codes are authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021-03758 Filed 2-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–790]

Importer of Controlled Substances Application: Globyz Pharma, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Globyz Pharma, LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 26, 2021. Such persons may also file a written request for a hearing on the application on or before March 26, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on September 30, 2020, Globyz Pharma, LLC, 2101 Market Street, Suite 5, Upper Chichester, Pennsylvania 19061–4001, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Oxycodone	9143	II

The company plans to import the listed controlled substance to complete analytical testing. No other activity for these drug codes is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–03834 Filed 2–23–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before March 26, 2021.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: S. Aromie Noe, Acting Deputy Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *noe.song-ae.a@dol.gov* (email), or 202–693–9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2021–001–C.

Petitioner: Patton Mining LLC., 12051 9th Avenue Hillsboro Illinois (ZIP 62049).

Mine: Deer Run Mine, MSHA I.D. No. 11–03182, located in Montgomery County, Illinois.

Regulation Affected: 30 CFR 75.1909 (Nonpermissible diesel-powered equipment; design and performance requirements). 30 CFR 75.1909(b)(6) requires self-propelled nonpermissible diesel-powered equipment to have service brakes that act on each wheel of the vehicle and that are designed such that failure of any single component, except the brake actuation pedal or other similar actuation device will not result in a complete loss of service breaking capacity.

Modification Request: This petition is for a Getman Grader Model No. RDG–1504C, Serial No. 6718. The petitioner requests a modification of the existing standard to permit an alternative method of compliance in lieu of having front brakes for the Getman grader.

The petitioner states that:

(1) Road conditions in a coal mine tend to become very rough to travel on and can pose a serious hazard that exposes miners to an array of injuries. Road graders have proven to be the best type of mining equipment to maintain underground and surface roadways in the mining industry safe for travel.

(2) The addition of front brakes could cause a loss of control if, for some unknown reason, one of the maintained brakes would lock up during operation. This could cause the grader to veer hard in one direction. Furthermore, the size, weight and location of the front brakes would put repair personnel in positions that could subject them to injury.

As an alternative to the existing standard, the petitioner proposes the following:

(a) No service brakes will be added to the front wheels of the Getman Grader Model No. RDG–1504C, Serial No. 6718 in Deer Run Mine. In lieu of having front brakes, the grader will be maintained with 12.00 x 20.00 tires that will limit the speed of the grader to 10 miles per hour.

(b) The grader will not travel up or down the slope unassisted. If an instance arises that requires the grader to be taken out of the mine, an additional piece of equipment, with adequate braking capacity, will be utilized to assist in removing the grader out of the mine and returning it back into the mine, via the mine slope.

(c) All grader operators will be trained to recognize appropriate levels of speed for the different road conditions.

(d) All grader operators will be trained to lower the moldboard in emergency situations and prior to exiting the operator compartment.

The petitioner asserts that the proposed alternative method will provide a level of safety equivalent to that provided by the existing standard.

Song-ae Aromie Noe,

Acting Deputy Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2021–03704 Filed 2–23–21; 8:45 am]

BILLING CODE 4520–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[21–011]

Name of Information Collection: NASA Enterprise Salesforce COVID–19 Contact Tracing

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, in compliance with the requirements of the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

DATES: Comments are due by March 26, 2021.

ADDRESSES: All comments should be addressed to Claire Little, National Aeronautics and Space Administration, 300 E Street SW, Washington, DC 20546–0001 or call 202–358–2375.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Claire Little, NASA Clearance Officer, NASA Headquarters, 300 E Street SW, JF0000, Washington, DC 20546 or email *claire.a.little@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The information will be used to determine whether NASA personnel have been exposed to the COVID–19 virus and to track and trace their interactions across the NASA community for identifying possible points of exposure.

Those individuals that volunteer, will be contacted by a NASA Contact Tracer, a to-be-designated NASA healthcare employee, and will be first read the privacy act, to understand their rights and what this information will be used for. Then they will be asked, orally, to confirm if they have symptoms or not (yes/no question). The Tracer will then enter that information, as well as the names, phone numbers, and emails of those they have been in contact with into the newly developed tracking and tracing digital application on NASA's enterprise solution, Salesforce.

While participation is voluntary, it is strongly encouraged as failure to provide the requested information may result in potential increased exposure of personnel to the virus.

NASA may share this information for authorized purposes with (1) private or other government health care providers or agencies for referral or special program responsibilities, and (2) other entities outlined under standard routine uses for all NASA systems of records.

II. Methods of Collection

The voluntary data is collected orally by a NASA Contact Tracer, a to-be-designated NASA healthcare employee, who will then enter all the information into the newly developed tracking and tracing digital application on NASA's enterprise solution, Salesforce.

The ability for the Tracer to keep records through this electronic method will ensure higher rate of inclusion and assists in the efficiency of the stages of report processing by human subject matter analysts.

III. Data

Title: NASA Enterprise Salesforce COVID–19 Contact Tracing.

OMB Number: 2700–0178.

Type of review: Renewal of existing approved collection.

Affected Public: Individuals.

Estimated Annual Number of Activities: 5,400.

Estimated Number of Respondents per Activity: 1.

Annual Responses: 5,400.

Estimated Time per Response: 8 hours.

Estimated Total Annual Burden Hours: 43,200 hours.

Estimated Total Annual Cost: $1,900,800.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) 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 respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Authority: The Paperwork Reduction Act.

Lori Parker,

NASA PRA Clearance Officer.

[FR Doc. 2021–03702 Filed 2–23–21; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Subject 60-Day Notice for the "Grantee Data Forms for the Creative Forces®: NEA Military Healing Arts Network Community Arts Engagement Subgranting Program"

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data is provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents is properly assessed. Currently, the National Endowment for the Arts is soliciting comments concerning the proposed information collection through grantee data forms (grant application and final report) for subgrantees of the Creative Forces®: NEA Military Healing Arts Network Community Arts Engagement Subgranting Program. A copy of the information collection request can be obtained by contacting the office listed below in the address section of this notice.

DATES: Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**.

ADDRESSES: Send comments to Sunil Iyengar, National Endowment for the Arts, Telephone (202) 682–5424 (this is not a toll-free number), or send via email to *research@arts.gov.*

SUPPLEMENTARY INFORMATION: The NEA is particularly interested in comments which:

- 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;
- 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;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Can help the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Dated: February 18, 2021.

Anthony M. Bennett,

Director of Administrative Services and Contracts, National Endowment for the Arts.

[FR Doc. 2021–03728 Filed 2–23–21; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meeting of National Council on the Humanities

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the National Council on the Humanities will meet to advise the Chairman of the National Endowment for the Humanities (NEH) with respect to policies, programs and procedures for carrying out his functions; to review applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965 and make recommendations thereon to the Chairman; and to consider gifts offered to NEH and make recommendations thereon to the Chairman.

DATES: The meeting will be held on Thursday, March 11, 2021, from 10:00 a.m. until 2:30 p.m., and Friday, March 12, 2021, from 11:00 a.m. until adjourned.

ADDRESSES: The meeting will be held by videoconference originating at Constitution Center, 400 7th Street SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street, SW, 4th Floor, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: The National Council on the Humanities is

meeting pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 951–960, as amended).

The National Council will convene in executive session by videoconference on March 11, 2021, from 10:00 a.m. until 11:00 p.m.

The following Committees of the National Council on the Humanities will convene by videoconference on March 11, 2021, from 11:00 a.m. until 2:30 p.m., to discuss specific grant applications and programs before the Council:

Education Programs;
Federal/State Partnership;
Preservation and Access;
Public Programs; and
Research Programs.

The plenary session of the National Council on the Humanities will convene by videoconference on March 12, 2021, at 11:00 a.m. After remarks from the Acting Chairman, the Council will hear reports on and consider specific applications for funding. This meeting of the National Council on the Humanities will be closed to the public pursuant to sections 552b(c)(4), 552b(c)(6), and 552b(c)(9)(B) of Title 5 U.S.C., as amended, because it will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, and discussion of certain information, the premature disclosure of which could significantly frustrate implementation of proposed agency action. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: February 19, 2021.

Elizabeth Voyatzis,

Committee Management Officer.

[FR Doc. 2021–03835 Filed 2–23–21; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meeting of Humanities Panel

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice of Meeting.

SUMMARY: The National Endowment for the Humanities (NEH) will hold twenty meetings, by videoconference, of the Humanities Panel, a federal advisory committee, during March 2021. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** for meeting dates. The meetings will open at 8:30 a.m. and will adjourn by 5:00 p.m. on the dates specified below.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, Room 4060, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given of the following meetings:

1. DATE: March 2, 2021

This video meeting will discuss applications on the topic of U.S. History, for the Public Scholars grant program, submitted to the Division of Research Programs.

2. DATE: March 3, 2021

This video meeting will discuss applications on the topics of Philosophy, Politics, and Law, for the Public Scholars grant program, submitted to the Division of Research Programs.

3. DATE: March 4, 2021

This video meeting will discuss applications on the topics of Science, Technology, and Medicine, for the Public Scholars grant program, submitted to the Division of Research Programs.

4. DATE: March 4, 2021

This video meeting will discuss applications on the topic of History, for the Public Scholars grant program, submitted to the Division of Research Programs.

5. DATE: March 5, 2021

This video meeting will discuss applications on the topics of Film, Media, and Communications, for the Public Scholars grant program, submitted to the Division of Research Programs.

6. DATE: March 5, 2021

This video meeting will discuss applications on the topic of Arts, for the Public Scholars grant program, submitted to the Division of Research Programs.

7. DATE: March 8, 2021

This video meeting will discuss applications on the topic of American Studies, for the Public Scholars grant program, submitted to the Division of Research Programs.

8. DATE: March 9, 2021

This video meeting will discuss applications on the topic of Biography, for the Public Scholars grant program, submitted to the Division of Research Programs.

9. DATE: March 15, 2021

This video meeting will discuss applications on the topic of Biography, for the Public Scholars grant program, submitted to the Division of Research Programs.

10. DATE: March 15, 2021

This video meeting will discuss applications on the topic of Social Sciences, for the Public Scholars grant program, submitted to the Division of Research Programs.

11. DATE: March 16, 2021

This video meeting will discuss applications on the topic of U.S. History, for the Public Scholars grant program, submitted to the Division of Research Programs.

12. DATE: March 17, 2021

This video meeting will discuss applications on the topic of Religion, for the Public Scholars grant program, submitted to the Division of Research Programs.

13. DATE: March 19, 2021

This video meeting will discuss applications on the topics of Literature and Language, for the Public Scholars grant program, submitted to the Division of Research Programs.

14. DATE: March 23, 2021

This video meeting will discuss applications on the topics of American History and Literature, for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

15. DATE: March 24, 2021

This video meeting will discuss applications on the topics of the Arts and Architecture, for the Collaborative Research grant program, submitted to the Division of Research Programs.

16. DATE: March 24, 2021

This video meeting will discuss applications on the topics of American and Latin American Studies, for the Public Scholars grant program, submitted to the Division of Research Programs.

17. DATE: March 25, 2021

This video meeting will discuss applications on the topics of History and Studies of the Americas, for the Collaborative Research grant program, submitted to the Division of Research Programs.

18. DATE: March 26, 2021

This video meeting will discuss applications on the topics of Literature,

Communication, and Media Studies, for the Collaborative Research grant program, submitted to the Division of Research Programs.

19. DATE: March 29, 2021

This video meeting will discuss applications on the topics of Literature and the Arts, for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

20. DATE: March 31, 2021

This video meeting will discuss applications on the topics of History and Studies of Africa, Asia, and Europe, for the Collaborative Research grant program, submitted to the Division of Research Programs.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: February 19, 2021.

Elizabeth Voyatzis,

Committee Management Officer.

[FR Doc. 2021–03831 Filed 2–23–21; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0050]

Online Portal for Requesting Evaluation of Proposed Alternatives

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability of online portal for licensees to submit certain proposed alternatives.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is notifying the public of the upcoming availability of an online portal for licensees to submit a request for relief in the form of alternatives to the regulatory requirements.

DATES: The online portal described in this document will be available in Spring 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0050 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0050. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.
- *NRC's Public Website:* Licensees will be able to access the online portal through the NRC's public website at *https://www.nrc.gov.*

FOR FURTHER INFORMATION CONTACT: James Danna, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7422, email: *James.Danna@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC is committed to following the NRC's Principles of Good Regulation (independence, openness, efficiency, clarity, and reliability) while performing our mission. In keeping with these principles, the NRC is providing additional flexibility by creating an online portal that licensees may use to submit a request for relief in the form of alternatives under section 50.55a(z) of title 10 of the *Code of Federal Regulations* (10 CFR), ''Alternatives to codes and standards requirements.''

Use of the portal by licensees is optional. Whether a licensee chooses to use a traditional method to submit a request or opts to use the portal, the licensee must adhere to the requirements of 10 CFR 50.4, ''Written communications,'' and submit all information necessary for the NRC to conduct a technical evaluation of the request. The licensee's submittal will be captured as an official agency record in ADAMS. The public and stakeholders will have access through ADAMS to the licensee's request and the supporting information provided by the licensee.

Dated: February 19, 2021.

For the Nuclear Regulatory Commission.

James G. Danna,

Chief, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–03815 Filed 2–23–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–483, 50–331, 50–321, 50–366, 50–341, 50–528, 50–529, and 50–530; NRC–2020–0110]

Issuance of Multiple Exemptions in Response to COVID–19 Public Health Emergency

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemptions; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued five exemptions in response to requests from five licensees. The exemptions afford these licensees temporary relief from certain requirements under NRC regulations. The exemptions are in response to the licensees' requests for relief due to the coronavirus disease 2019 (COVID–19) public health emergency (PHE). The NRC is issuing a single notice to announce the issuance of the exemptions.

DATES: During the period from January 5, 2021, to January 14, 2021, the NRC granted five exemptions in response to requests submitted by five licensees from December 18, 2020, to January 6, 2021.

ADDRESSES: Please refer to Docket ID NRC–2020–0110 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0110. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly

available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*

• *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.

FOR FURTHER INFORMATION CONTACT: James Danna, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7422, email: *James.Danna@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

During the period from January 5, 2021, to January 14, 2021, the NRC granted five exemptions in response to requests submitted by five licensees from December 18, 2020, to January 6, 2021. These exemptions temporarily allow the licensees to deviate from certain requirements (as cited below) of various parts of chapter I of title 10 of the *Code of Federal Regulations* (10 CFR).

The exemptions from certain requirements of 10 CFR part 26, ''Fitness for Duty Programs,'' for Union Electric Company (for Callaway Plant, Unit No. 1); for DTE Electric Company (for Fermi-2); and for Southern Nuclear Operating Company, Inc. (for Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2) afford these licensees temporary relief from the work-hour control requirements of 10 CFR 26.205(d)(1) through (d)(7). The exemptions from 10 CFR 26.205(d)(1) through (d)(7) will help to ensure that the control of work hours and management of worker fatigue does not unduly limit licensee flexibility in using personnel resources to most effectively manage the impacts of the COVID–19 PHE on maintaining the safe operation of these facilities. Specifically, these licensees have stated that their staffing levels are affected or are expected to be affected by the COVID–19 PHE, and they can no longer meet or likely will not meet the work-hour control requirements of 10 CFR 26.205(d)(1) through (d)(7). These licensees have committed to site-specific COVID–19 PHE fatigue-management controls for personnel specified in 10 CFR 26.4(a).

The exemptions from certain requirements of 10 CFR part 73, appendix B, ''General Criteria for Security Personnel,'' section VI, ''Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties,'' for NextEra Energy Duane Arnold, LLC (for Duane Arnold Energy Center) and for Arizona Public Service Company (for Palo Verde Nuclear Generating Station, Units 1, 2, and 3) will help to ensure that these regulatory requirements do not unduly limit licensee flexibility in using personnel resources to most effectively manage the impacts of the COVID–19 PHE on maintaining the safe and secure operation of these facilities and the implementation of the licensees' NRC-approved security plans, protective strategy, and implementing procedures. These licensees have committed to certain security measures to ensure response readiness and for their security personnel to maintain performance capability.

The NRC is providing compiled tables of exemptions using a single **Federal Register** notice for COVID–19 related exemptions instead of issuing individual **Federal Register** notices for each exemption. The compiled tables in this notice provide transparency regarding the number and type of exemptions the NRC has issued. Additionally, the NRC publishes tables of approved regulatory actions related to the COVID–19 PHE on its public website at *https://www.nrc.gov/about-nrc/covid-19/reactors/licensing-actions.html.*

II. Availability of Documents

The tables in this notice provide the facility name, docket number, document description, and ADAMS accession number for each exemption issued. Additional details on each exemption issued, including the exemption request submitted by the respective licensee and the NRC's decision, are provided in each exemption approval listed in the tables in this notice. For additional directions on accessing information in ADAMS, see the **ADDRESSES** section of this document.

Document description	ADAMS accession No.
Callaway Plant, Unit No. 1 Docket No. 50–483	
Callaway Plant, Unit No. 1—Additional Request for Exemption from Specific Requirements of 10 CFR part 26, ''Fitness for Duty Programs,'' dated December 31, 2020.	ML20366A062.
Callaway Plant, Unit No. 1—Response to Request for Additional Information Pertaining to Additional Request for Exemption from Specific Requirements of 10 CFR part 26, ''Fitness for Duty Programs,'' dated January 7, 2021.	ML21007A374.
Callaway Plant, Unit No. 1—Exemption from Select Requirements of 10 CFR part 26 (EPID L–2020–LLE–0242 [COVID–19]), dated January 14, 2021.	ML21012A009.
Duane Arnold Energy Center Docket No. 50–331	
Duane Arnold Energy Center—Request for a One-Time Exemption from 10 CFR part 73, appendix B, section VI, subsection C.3.(l)(1) Regarding Annual Force-on-Force (FOF) Exercises due to COVID–19 Pandemic, dated December 29, 2020.	ML20364A039.
Duane Arnold Energy Center—Exemption from Annual Force-on-Force Exercise Requirements of 10 CFR part 73, appendix B, ''General Criteria for Security Personnel,'' subsection VI.C.3(l)(1) (EPID L–2020–LLE–0241 [COVID–19]), dated January 13, 2021.	ML21004A215.

Document description	ADAMS accession No.
Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2 Docket Nos. 50–321 and 50–366	
Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2—COVID–19 Related Request for Exemption from 10 CFR part 26 Work Hours Requirements, dated January 6, 2021.	ML21006A227.
Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2—Exemption from Select Requirements of 10 CFR part 26 (EPID L–2020–LLE–000 [COVID–19]), dated January 11, 2021.	ML21005A305.
Fermi-2 Docket No. 50–341	
Fermi-2—Work Hour Limits Exemption Request due to COVID–19—Supplement, dated January 4, 2021 ...	ML21004A195.
Fermi-2—Exemption from Select Requirements of 10 CFR part 26 (EPID L–2021–LLE–0002 [COVID-19]), dated January 13, 2021.	ML21005A421.
Palo Verde Nuclear Generating Station, Units 1, 2, and 3 Docket Nos. 50–528, 50–529, and 50–530	
Palo Verde Nuclear Generating Station (PVNGS) Units 1, 2, and 3 and Independent Spent Fuel Storage Installation (ISFSI) Request for a Temporary Exemption from 10 CFR part 73, appendix B, section VI, subsection A.7 and subsection C.3(l)(1), dated December 18, 2020.	ML20353A391.
Palo Verde Nuclear Generating Station, Units 1, 2, and 3—Exemption from Annual Force-on-Force Exercise Requirement of 10 CFR part 73, appendix B, ''General Criteria for Security Personnel,'' subsection A.7 (EPID L–2020–LLE–0237 [COVID-19]), dated January 5, 2021.	ML20355A000.

Dated: February 18, 2021.

For the Nuclear Regulatory Commission.

James G. Danna,

Chief, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–03743 Filed 2–23–21; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Comment Request for Review of a Revised Information Collection: Customer Satisfaction Surveys

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for review of a currently approved collection, Customer Satisfaction Surveys. Approval of these surveys is necessary to collect information on Federal agency and program performance.

DATES: Comments are encouraged and will be accepted until April 26, 2021.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Human Resources Strategy and Evaluation Solutions, Office of Personnel Management, 1900 E Street, RM 2469 NW, Washington, DC 20415, Attention: Coty Hoover, C/O Henry Thibodeaux, or via email to *Organizational_Assessment@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this information collection request (ICR), with applicable supporting documentation, may be obtained by contacting Human Resources Strategy and Evaluation Solutions, Office of Personnel Management, 1900 E Street, RM 2469 NW, Washington, DC 20415, Attention: Coty Hoover, C/O Henry Thibodeaux, via email to *Organizational_Assessment@opm.gov,* or 202–606–8001.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The previous collection (OMB No. 3206–0236, published in the **Federal Register** on December 27, 2017 at 82 FR 61340) has a clearance that expires September 30, 2021. Comments are particularly invited on:

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. Whether our estimate of the public burden of this collection is accurate, and based on valid assumptions and methodology; and
3. Ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of the appropriate technological collection techniques or other forms of information technology.

OPM's Human Resources Strategy and Evaluation Solutions performs assessment and related consultation activities for Federal agencies on a reimbursable basis. The assessment is authorized by various statutes and regulations: Section 4702 of Title 5, U.S.C.; E.O. 12862; E.O. 13715; Section 1128 of the National Defense Authorization Act for Fiscal Year 2004, Public Law 108–136; 5 U.S.C. 1101 note, 1103(a)(5), 1104, 1302, 3301, 3302, 4702, 7701 note; E.O. 13197, 66 FR 7853, 3 CFR 748 (2002); E.O. 10577, 12 FR 1259, 3 CFR, 1954–1958 Comp., p. 218; and Section 4703 of Title 5, United States Code.

This collection request includes surveys we currently use and plan to use during the next three years to measure agency performance in providing services to meet customer needs. These surveys consist of Likert-type, mark-one, and mark-all-that-apply items, and may include a small number of open-ended comment items. Administration of OPM's Customer Satisfaction Surveys (OMB No. 3206–0236) typically consists of approximately 20 standard items drawn from an item bank of approximately 50 items; client agencies usually add a small number of custom items to assess satisfaction with specific products and services. The survey is almost always administered electronically.

Analysis

Agency: Human Resources Strategy and Evaluation Solutions, Office of Personnel Management.

Title: Customer Satisfaction Surveys

OMB Number: 3206–0236.

Frequency: On occasion.

Affected Public: Individuals and businesses.

Number of Respondents: approximately 240,000.

Estimated Time per Respondent: 7 minutes.

Total Burden Hours: 28,000 hours.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–03789 Filed 2–23–21; 8:45 am]

BILLING CODE 6325–43–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0230, Life Insurance Election, Standard Form (SF) 2817

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: Federal Employees Insurance Operations (FEIO), Healthcare & Insurance (HI), Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR), SF 2817—Life Insurance Election.

DATES: Comments are encouraged and will be accepted until April 26, 2021.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

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

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0230). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Standard Form 2817 is used by federal employees and assignees (those who have acquired control of an employee's coverage through an assignment or transfer of the ownership of the life insurance). Only the use of this form by assignees who are not federal employees and are, rather, members of the public, is subject to the Paperwork Reduction Act.

Analysis

Agency: Federal Employees Insurance Operations, Healthcare & Insurance, Office of Personnel Management.

Title: Life Insurance Election (SF 2817).

OMB Number: 3206–0230.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 150.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 38 hours.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–03790 Filed 2–23–21; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021–70 and CP2021–73]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 26, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

1. Docket No(s).: MC2021–70 and CP2021–73; Filing Title: USPS Request to Add Priority Mail Express & Priority Mail Contract 124 to Competitive Product List and Notice of Filing Materials Under Seal; Filing Acceptance Date: February 18, 2021; Filing Authority: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; Public Representative: Christopher C. Mohr; Comments Due: February 26, 2021.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2021–03832 Filed 2–23–21; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34197; 812–15130]

Columbia Funds Series Trust, et al.

February 18, 2021.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under Section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from Section 15(c) of the Act.

Applicants: Columbia Funds Series Trust, Columbia Funds Series Trust I, Columbia Funds Series Trust II, Columbia Funds Variable Insurance Trust, Columbia Funds Variable Series Trust II, Columbia ETF Trust I and Columbia ETF Trust II (each a ''Trust''), each of which is either a Massachusetts business trust or a Delaware statutory trust and is registered under the Act as an open-end management investment company with multiple series, and Columbia Management Investment Advisers, LLC (''Adviser''), a Minnesota limited liability company registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act'') that serves an investment adviser to such series (collectively the ''Applicants'').

Summary of Application: The requested exemption would permit each Trust's board of trustees (the ''Board'') to approve new sub-advisory agreements and material amendments to existing sub-advisory agreements for the Subadvised Series (as defined below), without complying with the in-person meeting requirement of Section 15(c) of the Act.

Filing Dates: The application was filed on May 26, 2020, and amended on September 24, 2020 and November 10, 2020.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on March 15, 2020, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Columbia Funds Series Trust; Columbia Funds Series Trust I; Columbia Funds Series Trust II; Columbia Funds Variable Insurance Trust; Columbia Funds Variable Series Trust II; Columbia ETF Trust I; Columbia ETF Trust II; and Columbia Management Investment Advisers, LLC, c/o Ryan C. Larrenaga, Columbia Management Investment Advisers, LLC, *ryan.c.larrenaga@columbiathreadneedle.com.*

FOR FURTHER INFORMATION CONTACT: Harry Eisenstein, Senior Special Counsel, at (202) 551–6764, or Kaitlin C. Bottock, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number or an Applicant using the ''Company'' name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

I. Requested Exemptive Relief

1. Applicants request an exemption from Section 15(c) of the Act to permit the Board,[1] including the Independent Trustees,[2] to approve an agreement (each a ''Sub-Advisory Agreement'') pursuant to which a sub-adviser manages all or a portion of the assets of one or more of the series, or a material amendment thereof (a ''Sub-Adviser Change''), without complying with the in-person meeting requirement of Section 15(c).[3] Under the requested relief, the Independent Trustees could instead approve a Sub-Adviser Change at a meeting at which members of the Board participate by any means of communication that allows them to hear each other simultaneously during the meeting.

2. Applicants request that the relief apply to Applicants, as well as to any future series of the Trust and any other existing or future registered open-end management investment company or series thereof that intends to rely on the requested order in the future and that: (i) Is advised by the Adviser;[4] (ii) uses the multi-manager structure described in the application; and (iii) complies with the terms and conditions of the application (each, a ''Subadvised Series'').[5]

II. Management of the Subadvised Series

3. The Adviser will serve as the investment adviser to each Subadvised Series pursuant to an investment advisory agreement with the Trust (each an ''Investment Management Agreement''). The Adviser, subject to the oversight of the Board, will provide

[1] The term ''Board'' also includes the board of trustees or directors of a future Subadvised Series (as defined below).

[2] The term ''Independent Trustees'' means the members of the Board who are not parties to the Sub-Advisory Agreement (as defined below), or ''interested persons'', as defined in Section 2(a)(19) of the Act, of any such party.

[3] Applicants do not request relief that would permit the Board and the Independent Trustees to approve renewals of Sub-Advisory Agreements at non-in-person meetings.

[4] The term ''Adviser'' includes (i) the Adviser or its successors, and (ii) any entity controlling, controlled by or under common control with, the Adviser or its successors. For the purposes of the requested order, ''successor'' is limited to an entity or entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

[5] The term ''Subadvised Series'' also includes a wholly-owned subsidiary, as defined in the Act, of a Subadvised Series (each a ''Subsidiary'') and the term ''Sub-Adviser'' includes any Sub-Adviser to a Subsidiary. All registered open-end investment companies that currently intend to rely on the requested order are named as applicants. Any entity that relies on the requested order will do so only in accordance with the terms and conditions contained in the application.

continuous investment management services to each Subadvised Series. Applicants are not seeking an exemption from the Act with respect to the Investment Management Agreements.

4. Applicants state that the Subadvised Series may seek to provide exposure to multiple strategies across various asset classes, thus allowing investors to more easily access such strategies without the additional transaction costs and administrative burdens of investing in multiple funds to seek to achieve comparable exposures.

5. To that end, the Adviser may achieve its desired exposures to specific strategies by allocating discrete portions of the Subadvised Series' assets to various sub-advisers. Consistent with the terms of each Investment Management Agreement and subject to the Board's approval,[6] the Adviser would delegate management of all or a portion of the assets of a Subadvised Series to a sub-adviser.[7] Each sub-adviser would be an ''investment adviser'' to the Subadvised Series within the meaning of Section 2(a)(20) of the Act.[8] The Adviser would retain overall responsibility for the management and investment of the assets of each Subadvised Series.

III. Applicable Law

6. Section 15(c) of the Act prohibits a registered investment company having a board from entering into, renewing or performing any contract or agreement whereby a person undertakes regularly to act as an investment adviser (including a sub-adviser) to the investment company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of the investment company's board members who are not parties to such contract or agreement, or interested persons of any such party, cast in person at a meeting called for the purpose of voting on such approval.

7. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief meets this standard for the reasons discussed below.

IV. Arguments in Support of the Requested Relief

8. Applicants assert that boards of registered investment companies, including the Board, typically hold in-person meetings on a quarterly basis. Applicants state that during the three to four month period between board meeting dates, market conditions may change or investment opportunities may arise such that the Adviser may wish to make a Sub-Adviser Change. Applicants also state that at these moments it may be impractical and costly to hold an additional in-person Board meeting, especially given the geographic diversity of Board members and the additional cost of holding in-person meetings.

9. As a result, Applicants believe that the requested relief would allow the Subadvised Series to operate more efficiently. In particular, Applicants assert that without the delay inherent in holding in-person Board meetings (and the attendant difficulty of obtaining the necessary quorum for, and the additional costs of, an unscheduled in-person Board meeting), the Subadvised Series would be able to act quicker and with less expense to add or replace sub-advisers when the Board and the Adviser believe that a Sub-Adviser Change would benefit the Subadvised Series.

10. Applicants also note that the in-person meeting requirement in Section 15(c) of the Act was designed to prohibit absentee approval of advisory agreements. Applicants state that condition 1 to the requested relief is designed to avoid such absentee approval by requiring that the Board approve a Sub-adviser Change at a meeting where all participating Board members can hear each other and be heard by each other during the meeting.[9]

11. Applicants, moreover, represent that the Board would conduct any such non-in-person consideration of a Sub-Advisory Agreement in accordance with its typical process for approving Sub-Advisory Agreements. Consistent with Section 15(c) of the Act, the Board would request and evaluate such information as may reasonably be necessary to evaluate the terms of any Sub-Advisory Agreement, and the Adviser and sub-adviser would provide such information.

12. Finally, Applicants note that that if one or more Board members request that a Sub-Adviser Change be considered in-person, then the Board would not be able to rely on the relief and would have to consider the Sub-Adviser Change at an in-person meeting.

V. Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The Independent Trustees will approve a Sub-Adviser Change at a non-in-person meeting in which Board members may participate by any means of communication that allows those Board members participating to hear each other simultaneously during the meeting.

2. Management will represent that the materials provided to the Board for the non-in-person meeting include the same information the Board would have received if a Sub-Adviser Change were sought at an in-person Board meeting.

3. The notice of the non-in-person meeting will explain the need for considering the Sub-Adviser Change at a non-in-person meeting. Once notice of the non-in-person meeting to consider a Sub-Adviser Change is sent, Board members will be given the opportunity to object to considering the Sub-Adviser Change at a non-in-person Board meeting. If a Board member requests that the Sub-Adviser Change be considered in-person, the Board will consider the Sub-Adviser Change at an in-person meeting, unless such request is rescinded.

4. A Subadvised Series' ability to rely on the requested relief will be disclosed in the Subadvised Series' registration statement.

5. In the event that the Commission adopts a rule under the 1940 Act providing substantially similar relief to that in the order requested in the Application, the requested order will expire on the effective date of that rule.

[6] A Sub-Advisory Agreement may also be subject to approval by a Subadvised Series' shareholders. Applicants currently rely on a multi-manager exemptive order to enter into and materially amend Sub-Advisory Agreements without obtaining shareholder approval. *See* Columbia Funds Series Trust, et al., Investment Company Act Release Nos. 33495 (May 30, 2019) (notice) and 33519 (June 26, 2019) (order).

[7] A sub-adviser may manage the assets of a Subadvised Series directly or provide the Adviser with model portfolio or investment recommendation(s) that would be utilized in connection with the management of a Subadvised Series.

[8] Each sub-adviser would be registered with the Commission as an investment adviser under the Advisers Act or not subject to such registration.

[9] Applicants state that technology that includes visual capabilities will be used unless unanticipated circumstances arise. Applicants also state that the Board could not rely upon the relief to approve a Sub-Advisory Agreement by written consent or another form of absentee approval by the Board.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03715 Filed 2–23–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91159; File No. SR–Phlx–2021–09]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule at Equity 7, Section 3

February 18, 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 10, 2021, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, 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

The Exchange proposes to amend the Exchange's pricing schedule at Equity 7, Section 3, as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its pricing schedule, at Equity 7, Section 3, to make a change to its Qualified Market Maker (''QMM'') Program. The QMM Program provides supplemental incentives to member organizations that meet certain quality standards in acting as market makers for securities on the Exchange.

Specifically, the Exchange proposes to adjust upward the percentage of time for which a member organization must quote at the national best bid and offer (''NBBO'') during market hours to qualify as a QMM as set forth in Equity 7, Section 3(c)(1). Currently, a member organization must quote at the NBBO at least 10 percent of the time during market hours in an average of at least 400 securities per day during a month to qualify as a QMM. The Exchange proposes to increase the percentage to 15 percent.

The Exchange proposes to increase the threshold percentage of time in which a member organization must quote at the NBBO during a month to qualify as a QMM as a means of encouraging member organizations to increase liquidity adding activity, increase quoting at the NBBO, enhance price discovery, and improve the overall quality of the equity markets. The Exchange believes that QMM activity on the Exchange is already robust enough to accommodate the establishment of a higher qualification threshold without compromising the ability of existing QMMs to maintain their current statuses in the program.

The Exchange also proposes to make conforming changes to Equity 7, Section 3(c)(5) to add the proposed 15 percent NBBO requirement.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[3] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[4] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Proposal Is Reasonable

The Exchange's proposed changes to its QMM Program are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has 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'. . . .''[5]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, 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.''[6]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. 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 thresholds.[7]

Within this environment, market participants can freely and often do shift

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(4) and (5).

[5] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[6] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[7] *See* Cboe EDGX U.S. Equities Exchange Fee Schedule, available at *https://markets.cboe.com/us/equities/membership/fee_schedule/edgx/.*

their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules.[8] Within the foregoing context, the proposal represents a reasonable attempt by the Exchange to increase its market share relative to its competitors.

The Exchange's proposal to increase the threshold percentage of time in which a member organization must quote at the NBBO during a month in order to qualify for the QMM designation pursuant to Equity 7, Section 3(c)(1), will encourage member organizations to increase liquidity adding activity, enhance price discovery, and improve the overall quality of the equity markets. The Exchange believes that it is appropriate to periodically reassess and recalibrate the baselines for its QMM qualifications when participant activity is adequate to support doing so. In this instance, QMM activity on the Exchange is robust enough to accommodate the establishment of a higher qualification threshold without compromising the ability of existing QMMs to maintain their current statuses in the program.

The Proposal Is an Equitable Allocation

The Exchange believes its proposal allocates its QMM qualifications fairly among its market participants. The Exchange also believes that its proposal to amend the qualification criteria for the QMM Program is an equitable allocation because it will bolster the effectiveness of the QMM program for all market participants, which is an important contributor to the quality of the Nasdaq market, by ensuring that qualified market participants are contributing to increased liquidity adding activity, enhanced price discovery, and improvements to the overall quality of the equity markets.

The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. As an initial matter, the Exchange believes that nothing about its QMM qualification criteria is inherently unfair; instead, it is a rational pricing model that is well-established and ubiquitous in today's economy among firms in various industries—from co-branded credit cards to grocery stores to cellular telephone data plans—that use it to reward the loyalty of their best customers that provide high levels of business activity and incent other customers to increase the extent of their business activity. It is also a pricing model that the Exchange and its competitors have long employed with the assent of the Commission. It is fair because it incentivizes customer activity that increases liquidity, enhances price discovery, and improves the overall quality of the equity markets.

The Exchange intends for its proposal to increase participation in its QMM program, which in turn would improve market quality for all member organizations on the Exchange.

The Exchange's proposal to raise the QMM qualification requirement at Equity 7, Section 3(c)(1), is not unfairly discriminatory because although any member organization that currently qualifies as a QMM will need to quote at the NBBO for a higher percentage of the time than they would need to do now, this is fair because meeting the heightened requirement will improve market quality and enhance price discovery.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that its proposal will place any category of Exchange participants at a competitive disadvantage. As noted above, all members of the Exchange will benefit from an increase in the addition of liquidity by those that choose to meet the qualifications. Members may grow their businesses so that they have the capacity to qualify as a QMM. Moreover, members are free to trade on other venues to the extent they believe that the qualification criteria provided are not attractive. As one can observe by looking at any market share chart, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes.

Moreover, the Exchange's proposal to modify its QMM program will not burden intramarket competition because the QMM Program, as modified, will continue to provide all member organizations with an opportunity to qualify as a QMM if they improve the market by providing significant quoting at the NBBO in a large number of securities which the Exchange believes will improve market quality.

Intermarket Competition

Addressing whether the proposed fee could impose a burden on competition on other SROs that is not necessary or appropriate, the Exchange believes that its proposed modifications to its QMM qualification standards will not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from the other live exchanges and from off-exchange venues, which include alternative trading systems that trade national market system stock. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually make adjustments to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In sum, the Exchange intends for the modified QMM Program to increase member organizations incentives to quote securities at the NBBO for at least 15 percent of the day, which stands to improve the quality of the Exchange's market and its attractiveness to participants; however, if the proposal is unattractive to market participants, it is likely that the Exchange will either fail to increase its market share or even lose market share as a result. Accordingly, the Exchange does not believe that the proposed modification to the QMM qualifications will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

[8] The Exchange perceives no regulatory, structural, or cost impediments to market participants shifting order flow away from it. In particular, the Exchange notes that such shifts in liquidity and market share occur within the context of market participants' existing duties of Best Execution and obligations under the Order Protection Rule under Regulation NMS.

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)(ii) of the Act.[9]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2021–09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2021–09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2021–09 and should be submitted on or before March 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03724 Filed 2–23–21; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91154; File No. SR–NYSE–2021–12]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Establish Procedures for the Allocation of Power to Its Co-Located Users

February 18, 2021.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b-4 thereunder,[3] notice is hereby given that, on February 4, 2021, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to establish procedures for the allocation of power to its co-located Users. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to establish procedures for the allocation of power to its co-located[4] Users.[5]

Recently, the Exchange added procedures for the allocation of cabinets (''Existing Procedures'')[6] in colocation should it become needed, which procedures are not currently being used.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2010. *See* Securities Exchange Act Release No. 62960 (September 21, 2010), 75 FR 59310 (September 27, 2010) (SR–NYSE–2010–56). The Exchange is an indirect subsidiary of Intercontinental Exchange, Inc. (''ICE''). Through its ICE Data Services (''IDS'') business, ICE operates a data center in Mahwah, New Jersey (the ''data center''), from which the Exchange provides co-location services to Users.

[5] For purposes of the Exchange's co-location services, a ''User'' means any market participant that requests to receive co-location services directly from the Exchange. *See* Securities Exchange Act Release No. 76008 (September 29, 2015), 80 FR 60190 (October 5, 2015) (SR–NYSE–2015–40). As specified in the New York Stock Exchange Price List (''Price List''), a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSEAMER–2021–08, SR–NYSEArca–2021–11, SR–NYSECHX–2021–02, and SR–NYSENAT–2021–03.

[6] *See* Securities Exchange Act Release No. 90732 (December 18, 2020), 85 FR 84443 (December 28, 2020) (SR–NYSE–2020–73, SR–NYSEAMER–2020–66, SR–NYSEArca–2020–82, SR–NYSECHX–2020–26, and SR–NYSENAT–2020–28) (Notice of Filings of Amendment No. 1 and Order Granting Approval of Proposed Rule Changes, Each as Modified by Amendment No. 1, Amending the Exchanges' Co-Location Services To Establish Procedures for the Allocation of Cabinets to Co-Located Users if Cabinet Inventory Falls Below Certain Thresholds).

In addition, Users have had an unprecedented demand for power, largely driven by the demands caused by volatile market conditions related to the COVID–19 pandemic and higher than usual trading volumes. The Exchange is currently working to expand the amount of power and number of cabinets available in colocation. To complement the procedures for allocation of colocation cabinets, the Exchange believes it would be prudent to have procedures in place for the allocation of power, should such allocation be necessary. The Exchange accordingly proposes to expand the Existing Procedures to incorporate procedures for the allocation of power (''Proposed Procedures'').

Background

Users currently have two options for purchasing power. First, a User may purchase a new dedicated or partial cabinet, which comes with power. The User pays an initial fee and a monthly fee based on the number of kilowatts (''kW'') contracted for the cabinet. The dedicated cabinets have a standard power allocation of either 4 kW or 8 kW (the ''Standard Cabinet Power''). Partial cabinets are available in increments of eight-rack units of space, and each eight-rack unit may be allocated 1 or 2 kW. The Exchange allocates cabinets on a first-come/first-serve basis.

Second, a User may request power upgrades to dedicated cabinets in addition to the Standard Cabinet Power.[7] Users may request that such additional power (''Additional Power'') be allocated to a cabinet when it is first set up or later. A User with a dedicated cabinet, for example, may develop its infrastructure in a manner that allows it to expand the hardware within that cabinet by adding Additional Power. Because it could add Additional Power to its existing cabinet, the User would not need an additional cabinet. Adding Additional Power may entail overhauling wiring, circuitry and hardware for the dedicated cabinet so that it can handle the increased power.[8]

The Exchange also offers cabinets that do not have power: Cabinets for which power is not utilized (''PNU cabinets''). PNU cabinets are reserved cabinet space that are not active, and that can be converted to a powered, dedicated cabinet when the User requests it.[9] Although PNU cabinets do not use power, when the Exchange establishes a PNU cabinet, it allocates unused power capacity to it, depending on the User's requirements. The allocated power is kept in reserve for the PNU cabinet, and, upon the User's request, the PNU cabinet may be powered and used promptly.

If additional power or cabinets are needed, the Exchange may use established measures to convert PNU cabinets:

> [i]f reserved cabinet space becomes needed for use, the reserving User will have 30 business days to formally contract with the Exchange for full payment for the reserved cabinet space needed or the space will be reassigned.[10]

The Exchange proposes to provide additional detail regarding the conversion of PNU cabinets in the Proposed Procedures.

Proposed Procedures

Like the Existing Procedures, the Proposed Procedures would be set forth in General Notes 7 and 8. General Note 7 would be amended to provide that, if the amount of power or cabinets available fell below specified thresholds, Users would be subject to purchasing limits. General Note 7 would also specify when the purchasing limits would cease to apply. Consistent with the Existing Procedures, the amended General Note 7 would provide that if a User requests a number of Standard Cabinets and/or amount of Additional Power that would cause the unallocated power capacity to be below the specified power and cabinet thresholds, the purchasing limits would apply only to the portion of the User's order below the relevant threshold.[11]

The Exchange proposes that, if either the Cabinet Threshold or the Power Threshold, or if both the Cabinet Threshold and Power Threshold are reached, all Users with PNU cabinets would be required to either convert or relinquish them, consistent with the applicable provisions. Doing so would allow all cabinets and power to be available for active use. As a result, no User would be subject to limitations on its ability to purchase and use cabinets or power at the same time that PNU cabinets were dormant.

General Note 8 would be amended to provide that, if the amount of power or cabinets available fell to zero, Users seeking to purchase power or cabinets would be put on a waitlist. The waitlist provisions for power would be substantially similar to those for cabinets in the Existing Procedures.[12] In both General Notes 7 and 8, the Proposed Procedures would also state how the Existing Procedures regarding cabinets and the new procedures regarding power would relate to each other. In each case, the Proposed Procedures would state what the threshold amount of power and cabinets would be to discontinue the limits, which would allow the Exchange to return to offering PNU cabinets. Finally, in clarifying changes, the existing text of General Notes 7 and 8 would be amended to change ''Purchasing Limits'' to ''Cabinet Limits'' and ''waitlist'' to ''Cabinet Waitlist'' and to delete redundant text.

Proposed Amendments to General Note 7

The Exchange proposes to amend General Note 7 as follows (additions *italicized,* deletions in [brackets]):

> 7. Cabinet *and Power* Purchasing Limits. If *(i)* unallocated cabinet inventory is at or below 40 cabinets, whether or not such cabinets are configured to be subdivided into partial cabinets (''Cabinet Threshold''), *or (ii) the unallocated power capacity in co-location is at or below 350 kW (the ''Power Threshold''),* the following limits on the purchase of new cabinets (''Purchasing Limits'') will apply:
>
> *a. Cabinet Limits. If only the Cabinet Threshold is reached, the following measures (the ''Cabinet Limits'') will apply:*
>
> • A*ll* User*s* with PNU cabinets will be required to either convert [its]*their* PNU cabinets into dedicated cabinets or relinquish [its]*their* PNU cabinets [before being permitted to purchase new cabinets]. *The Exchange will notify each User with a PNU cabinet that the User has 30 business days to decide whether to contract to convert the PNU cabinet to a dedicated cabinet. If the User does not contract to use the PNU*

[7] *See* Securities Exchange Act Release No. 71122 (December 18, 2013), 78 FR 77739 (December 24, 2013) (SR–NYSE–2013–81).

[8] *See Id.* at 77740.

[9] *See* Securities Exchange Act Release No. 70913 (November 21, 2013), 78 FR 70987 (November 27, 2013) (SR–NYSE–2013–74).

[10] Securities Exchange Act Release No. 62732 (August 16, 2010), 75 FR 51512 (August 20, 2010) (SR–NYSE–2010–56), at note 5. ''Reserved cabinet space'' is a PNU cabinet. *See* 78 FR 70987, 70987–70988, *supra* note 9.

[11] For example, if there was 365 kW unallocated power capacity in co-location and a User requested to purchase cabinets and Additional Power that would, together, total 55 kW, the purchasing limits in General Note 7 would not apply to the User's purchase of the first 15 kW, whether those kW were in the form of cabinets or Additional Power. Once the power threshold was reached, the combined limits would be activated, limiting the User's purchase of additional cabinets and Additional Power. In all, the User would be permitted to purchase a total of 47 kW out of its original order of 55 kW. The User could choose whether the 47 kW was in the form of cabinets, Additional Power, or both.

[12] Consistent with the Existing Procedures, the Proposed Procedures would provide that, as additional power and cabinets became available, the Exchange would offer it to the User at the top of the combined waitlist. Power may become available if, for example, (a) a User vacates a dedicated or partial cabinet or relinquishes Additional Power or (b) IDS builds additional capacity. Cabinets may become available if, for example, a User vacates a dedicated or partial cabinet.

cabinet as a dedicated cabinet within such time, the PNU cabinet will be relinquished.

• [Once the Cabinet Threshold is reached, t]*T*he Exchange will limit each User's purchase of new cabinets (dedicated and partial) to a maximum of four dedicated cabinets. The maximum may be comprised of a mix of dedicated and partial cabinets, with two partial cabinets counting as one dedicated cabinet.

• If a User requests, in writing, a number of cabinets that, if provided, would cause the available cabinet inventory to be below 40 cabinets, the [Purchasing]*Cabinet* Limits will only apply to the portion of the User's order below the Cabinet Threshold.

• A User will have to wait 30 days from the date of its signed order form before purchasing new cabinets again.

• If the Cabinet Threshold is reached, the Exchange will cease offering *or providing* new PNU cabinets to all Users *and Users will not be permitted to convert a currently used dedicated cabinet to a PNU cabinet.*

• When unallocated cabinet inventory is more than 40 cabinets, the Exchange will discontinue the [Purchasing]*Cabinet* Limits.

b. Combined Limits. If only the Power Threshold is reached or both the Cabinet Threshold and the Power Threshold are reached, the following measures (the "Combined Limits") will apply:

• *All Users with PNU cabinets will be required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets. The Exchange will notify each User with a PNU cabinet that the User has 30 business days to decide whether to contract to convert the PNU cabinet to a dedicated cabinet. If the User does not contract to use the PNU cabinet as a dedicated cabinet within such time, the PNU cabinet will be relinquished.*

• *A User may purchase either or both of the following, so long as the combined power usage of such purchases is no more than a maximum of 32 kW:*

a. New cabinets (dedicated and partial), subject to a maximum of four dedicated cabinets with standard power allocations of 4 kW or 8 kW ("Standard Cabinets"). The purchase may be comprised of a mix of dedicated and partial cabinets, with two partial cabinets counting as one dedicated cabinet.

b. Additional power for new or existing cabinets.

• *If a User requests, in writing, a number of Standard Cabinets and/or an amount of additional power that, if provided, would cause the unallocated power capacity to be below the Power Threshold or Cabinet Threshold, the Combined Limits would apply only to the portion of the User's order below the relevant threshold.*

• *A User will have to wait 30 days from the date of its signed order form before purchasing new Standard Cabinets or additional power again.*

• *If the Power Threshold or Cabinet Threshold is reached, the Exchange will cease offering or providing new PNU cabinets to all Users and Users will not be permitted to convert a currently used dedicated cabinet to a PNU cabinet.*

• *When unallocated power capacity is above the Power Threshold, the Exchange will discontinue the Combined Limits. If at that time the unallocated cabinet inventory is 40 or fewer cabinets, the Cabinet Limits would enter into effect.*

c. Applicability. If the Cabinet Threshold is reached before the Power Threshold, the Cabinet Limits will be in effect until the Power Threshold is reached, after which the Combined Limits will apply.

Proposed Amendments to General Note 8

The Exchange proposes to amend General Note 8 as follows (additions *italicized,* deletions in [brackets]):

8. Cabinet *and Combined* Waitlist*s.*

a. Cabinet Waitlist. Unless a Combined Waitlist is in effect, t[T]he Exchange will create a *cabinet* waitlist *("Cabinet Waitlist")* if the available cabinet inventory is zero, or a User requests, in writing, a number of cabinets that, if provided, would cause the available inventory to be zero. The Exchange will place Users seeking cabinets on a *Cabinet* [w]*W*aitlist, as follows:

• Users with PNU cabinets will ~~not~~ be *required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets in accordance with the measures set forth in General Note 7(a), above.* [placed on the waitlist if the User could meet its new cabinet request by converting its PNU cabinets to dedicated cabinets. A User will only be placed on the waitlist for the portion of its new cabinet request that exceeds its existing PNU cabinets, subject to the Purchasing Limitations.]

• A User will be placed on the *Cabinet* [w]*W*aitlist based on the date its signed order is received. A User may only have one order for new cabinets on the *Cabinet* [w]*W*aitlist at a time, and the order is subject to the [Purchasing]*Cabinet* Limits. *If a User changes the size of its order while it is on the Cabinet Waitlist, it will maintain its place on the Cabinet Waitlist, and will remain subject to the Cabinet Limits.*

• As cabinets become available, the Exchange will offer them to the User at the top of the *Cabinet* [w]*W*aitlist. If the User's order is completed, it will be removed from the *Cabinet* [w]*W*aitlist. If the User's order is not completed, it will remain at the top of the *Cabinet* [w]*W*aitlist.

• A User will be removed from the *Cabinet* [w]*W*aitlist (a) at the User's request or (b) if the User turns down an offer of a cabinet of the same size it requested in its order. If the Exchange offers the User a cabinet of a different size than the User requested in its order, the User may turn down the offer and remain at the top of the *Cabinet* [w]*W*aitlist until its order is completed.

• A User that is removed from the *Cabinet* [w]*W*aitlist but subsequently submits a new written order for cabinets will be added back to the bottom of the *Cabinet* [w]*W*aitlist.

• When unallocated cabinet inventory is more than 10 cabinets, the Exchange will cease use of the *Cabinet* [w]*W*aitlist.

b. Combined Waitlist. The Exchange would create a power and cabinet waitlist ("Combined Waitlist") if the unallocated power capacity is zero, or if a User requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or additional power) that, if provided, would cause the unallocated power capacity to be below zero. The Exchange would place Users seeking cabinets or power on the Combined Waitlist, as follows:

• *All Users with PNU cabinets will be required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets in accordance with the measures set forth in General Note 7(b), above.*

• *If a Cabinet Waitlist exists when the requirements to create a Combined Waitlist are met, the Cabinet Waitlist will automatically convert to the Combined Waitlist. If a Combined Waitlist exists when the requirements to create a Cabinet Waitlist are met, no new waitlist will be created, and the Combined Waitlist will continue in effect.*

• *A User will be placed on the Combined Waitlist based on the date its signed order for cabinets and/or additional power is received. A User may only have one order for new cabinets and/or additional power on the Combined Waitlist at a time, and the order would be subject to the Combined Limits. If a User changes the size of its order while it is on the Combined Waitlist, it will maintain its place on the Combined Waitlist, and will remain subject to the Combined Limits.*

• *As additional power and/or cabinets become available, the Exchange will offer them to the User at the top of the Combined Waitlist. If the User's order is completed, the order will be removed from the Combined Waitlist. If the User's order is not completed, it will remain at the top of the Combined Waitlist.*

• *A User will be removed from the Combined Waitlist (a) at the User's request; (b) if the User turns down an offer that is the same as its order (e.g. the offer includes cabinets of the same size and/or the amount of additional power that the User requested in its order). If the Exchange offers the User an offer that is different than its order, the User may turn down the offer and remain at the top of the Combined Waitlist until its order is completed.*

• *A User that is removed from the Combined Waitlist but subsequently submits a new written order for cabinets and/or additional power will be added back to the bottom of the waitlist.*

• *If the Combined Waitlist is in effect, when unallocated power capacity in co-location is at 100 kW, the Exchange will cease use of the waitlist. If at that time the unallocated cabinet inventory is 10 or fewer cabinets, the Cabinet Limits would enter into effect.*

The proposed change would apply the same way to all types and sizes of market participants. As is currently the case, the purchase of any colocation service is completely voluntary and the Price List is applied uniformly to all Users. The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users

would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[14] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. In addition, it is designed 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 mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Proposed Rule Change Is Reasonable and Equitable

The Exchange believes that the proposed rule change is reasonable and equitable for the following reasons.

The Exchange believes that User demand for power will continue. The Exchange is currently working to expand the amount of power and number of cabinets available in colocation. Nevertheless, the Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to establish the allocation of power and cabinets on an equitable basis, consistent with the Established Procedures. The Proposed Procedures would establish a rational, objective procedure that would be applied uniformly by the Exchange to all Users that requested new cabinets or Additional Power.

The Exchange believes that integrating the procedures for the allocation of power with the Existing Procedures would be reasonable, because cabinets are provided with power. Having both power and cabinets covered by the Proposed Procedures would ensure that the procedures for all relevant services are consistent and coordinated. Having the Proposed Procedures state what would occur if the Cabinet Threshold and Power Threshold are reached at different times, and how the Cabinet Waitlist and Combined Waitlist interrelate, is reasonable for the same reason.

The Exchange believes that following the Existing Procedures' two-tier structure of establishing, first, a purchasing limitation on order size, and second, a waitlist, would be a reasonable method to respond to increasing demand for power and cabinets in the future. The Exchange notes that the Existing Procedures are consistent with the Nasdaq procedures for allocating cabinets if its cabinet inventory shrinks to zero.[15] The Exchange believes that it is reasonable to amend the Existing Procedures to clarify what would occur if a User changes the size of its order while it is on the Cabinet Waitlist.

The Exchange believes that the proposed Power Threshold is reasonable and equitable. Based on experience, the Exchange believes that the Power Threshold of 350 kW is reasonable and appropriate because it is sufficiently low that it would not be triggered repeatedly, yet it offers a reasonable buffer during which the Combined Limits would apply before the Combined Waitlist would become effective.

The Exchange believes that the proposed Combined Limits are reasonable and equitable. Based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth.

Further, the Exchange believes that, by establishing a waitlist on the basis of the date it receives signed orders, limiting the size and number of orders a User may have on the waitlist at any one time, stating what happens if a User changes its order while on the waitlist, and removing a User from the waitlist if it turns down an offer that is the same as what it requested, the Combined Waitlist is largely consistent with the Existing Procedures and reasonably designed to prevent Users from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, thereby facilitating a more equitable distribution. Similarly, the Exchange believes that by requiring a 30-day delay before a User subject to the Combined Limits could purchase Standard Cabinets or Additional Power again, the Proposed Procedure is reasonably designed to prevent a User from obtaining a greater portion of the power and cabinets available.

The Exchange believes that the proposed change is reasonable and equitable because the Exchange would only place limits on Users' ability to purchase Standard Cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. Similarly, the Exchange believes that the proposed change is reasonable and equitable because the Combined Waitlist would only be created if unallocated power capacity in co-location is zero, or if a User requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or Additional Power) that, if provided, would cause the unallocated power capacity to be below zero, and because there would be an established threshold for cessation of the Combined Waitlist.

The Exchange believes that it would be reasonable and equitable to require Users with PNU cabinets to either convert their PNU cabinets into dedicated cabinets or relinquish them if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would make the power reserved for PNU cabinets and the cabinets themselves available to meet User demand for power and cabinets. As a result, no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. The Exchange believes that the measure is therefore reasonably designed to prevent a User from reserving, but not using, power or cabinets at a time when other Users are subject to limitations, facilitating a more equitable distribution.

The Proposed Procedures would provide additional specificity to the existing PNU cabinet provision permitting conversion of PNU cabinets, by stating what the relevant thresholds would be, when the Exchange would require Users to decide whether to convert their PNU cabinets, and when PNU cabinets would be offered again, thereby increasing transparency and adding clarity.

The Exchange believes that the proposed change would be a reasonable method for the Exchange to accommodate demand for power and cabinets on an equitable basis, while allowing all Users that currently have a PNU cabinet to have a choice between converting their PNU cabinet to a dedicated cabinet or relinquishing it. The Exchange notes that Nasdaq's co-location customers that have a ''Cabinet

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] *See* Securities Exchange Act Release No. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019).

Proximity Option'' have a similar choice if Nasdaq determines that the reserved data center space is needed for use.[16] Finally, the Exchange believes that it would be fair and equitable to require all Users with PNU cabinets to be subject to the same measures if the Cabinet Threshold or Power Threshold were met.

The Proposed Rule Change Would Protect Investors and the Public Interest

The Exchange believes that the proposed rule change would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest for the following reasons.

The Exchange believes that User demand for cabinets and power will continue. In this context, the proposed rule change would allow the Exchange to protect investors and the public interest, first, by setting limits on Users' ability to purchase power, and second, by using a waitlist to allocate any unallocated cabinets and power on a first come-first served rolling basis.

Based on experience, the Exchange believes that the Power Threshold is sufficiently low that it would not be triggered repeatedly, which would protect investors and the public interest. Similarly, based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth, which would protect investors and the public interest.

In addition, the Proposed Procedures would protect investors and the public interest in that they are designed to prevent Users from utilizing the Combined Limit and waitlist procedures to obtain a greater portion of the power and cabinets available, thereby facilitating a more equitable distribution.

The Exchange believes that it would protect investors and the public interest to require Users with PNU cabinets to either convert their PNU cabinets into dedicated cabinets or relinquish them if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would mean that no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. The Exchange believes that the measure is therefore reasonably designed to prevent a User from reserving but not using power or cabinets at a time when other Users are subject to limitations.

The proposed rule change would protect investors and the public interest because the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List more transparent and reduce any potential ambiguity.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes that the proposed change is not unfairly discriminatory for the following reasons.

The proposed change would apply equally to all types and sizes of market participants. If the Proposed Procedures were in place, all Users would be able to identify the permitted cabinet and power options and the procedures that would apply to them in the event that unallocated cabinet or power supply runs low in the future. All Users with PNU cabinets would be subject to the same measures if the Cabinet Threshold or Power Threshold were met. The Proposed Procedures would assist the Exchange in accommodating demand for co-location services, and power and cabinets in particular, on an equitable basis.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[17] the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that the proposed change would place any burden on intramarket competition that is not necessary or appropriate. The proposed change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally.

The Exchange believes that, if triggered, the imposition of the Combined Limits or Combined Waitlist would not impose a burden on a User's ability to compete that is not necessary or appropriate. The Exchange believes that User demand for power will continue in the future, and the Exchange is presently working to expand the amount of power and number of cabinets available in colocation. In this context, the Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to expand on the Existing Procedures and establish a method for allocating not just cabinets but also power on an equitable basis.

The Exchange would only follow the Proposed Procedures and place limits on Users' ability to purchase new power and cabinets if either or both the proposed Power Threshold and existing Cabinet Threshold were met, as specified in the proposed General Notes. Similarly, the Exchange would only create the Proposed Waitlist if the unallocated power capacity is zero, or if a User requests, in writing, an amount of power that, if provided, would cause the unallocated power capacity to be below zero. Based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth.

The Exchange believes that the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how power and cabinets would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List more transparent and reduce any potential ambiguity.

The Exchange believes that it would not impose a burden on a User's ability to compete that is not necessary or appropriate to require Users with PNU cabinets to either convert or relinquish their PNU cabinets if either or both the

[16] Co-location customers may either contract with Nasdaq for full payment or have the cabinet reassigned. Securities Exchange Act Release No. 62354 (June 22, 2010), 75 FR 38860 (July 6, 2010) (SR–Nasdaq–2010–019).

[17] 15 U.S.C. 78f(b)(8).

Cabinet Threshold and Power Threshold are reached. Doing so would make the power reserved for PNU cabinets and the cabinets themselves available to meet User demand for power and cabinets. As a result, no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. A User does not require a PNU cabinet to trade on the Exchange, and whether or not a User has a PNU cabinet has no effect on such User's orders going to, or trade data coming from, the Exchange, or the User's ability to utilize other co-location services. Rather, the proposed change would assist the Exchange in accommodating demand for co-location services on an equitable basis.

Use of any co-location service is completely voluntary, and each market participant is able to determine whether to use co-location services based on the requirements of its business operations.

Intermarket Competition

The Exchange does not believe that the proposed change would impose any burden on intermarket competition that is not necessary or appropriate.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of, and other business from, such market participants.

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.'' [18]

The proposed rule change would protect investors and the public interest because the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List more transparent and reduce any potential ambiguity.

For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2021–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2021–12. 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–NYSE–2021–12 and should be submitted on or before March 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03720 Filed 2–23–21; 8:45 am]

BILLING CODE 8011–01–P

[18] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91155; File No. SR–NYSEAMER–2021–08]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Proposed Rule Change To Establish Procedures for the Allocation of Power to Its Co-Located Users

February 18, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 4, 2021, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to establish procedures for the allocation of power to its co-located Users. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to establish procedures for the allocation of power to its co-located [4] Users.[5]

Recently, the Exchange added procedures for the allocation of cabinets (''Existing Procedures'')[6] in colocation should it become needed, which procedures are not currently being used. In addition, Users have had an unprecedented demand for power, largely driven by the demands caused by volatile market conditions related to the COVID–19 pandemic and higher than usual trading volumes. The Exchange is currently working to expand the amount of power and number of cabinets available in colocation. To complement the procedures for allocation of colocation cabinets, the Exchange believes it would be prudent to have procedures in place for the allocation of power, should such allocation be necessary. The Exchange accordingly proposes to expand the Existing Procedures to incorporate procedures for the allocation of power (''Proposed Procedures'').

Background

Users currently have two options for purchasing power. First, a User may purchase a new dedicated or partial cabinet, which comes with power. The User pays an initial fee and a monthly fee based on the number of kilowatts (''kW'') contracted for the cabinet. The dedicated cabinets have a standard power allocation of either 4 kW or 8 kW (the ''Standard Cabinet Power''). Partial cabinets are available in increments of eight-rack units of space, and each eight-rack unit may be allocated 1 or 2 kW. The Exchange allocates cabinets on a first-come/first-serve basis.

Second, a User may request power upgrades to dedicated cabinets in addition to the Standard Cabinet Power.[7] Users may request that such additional power (''Additional Power'') be allocated to a cabinet when it is first set up or later. A User with a dedicated cabinet, for example, may develop its infrastructure in a manner that allows it to expand the hardware within that cabinet by adding Additional Power. Because it could add Additional Power to its existing cabinet, the User would not need an additional cabinet. Adding Additional Power may entail overhauling wiring, circuitry and hardware for the dedicated cabinet so that it can handle the increased power.[8]

The Exchange also offers cabinets that do not have power: Cabinets for which power is not utilized (''PNU cabinets''). PNU cabinets are reserved cabinet space that are not active, and that can be converted to a powered, dedicated cabinet when the User requests it.[9] Although PNU cabinets do not use power, when the Exchange establishes a PNU cabinet, it allocates unused power capacity to it, depending on the User's requirements. The allocated power is kept in reserve for the PNU cabinet, and, upon the User's request, the PNU cabinet may be powered and used promptly.

If additional power or cabinets are needed, the Exchange may use established measures to convert PNU cabinets:

> [i]f reserved cabinet space becomes needed for use, the reserving User will have 30 business days to formally contract with the Exchange for full payment for the reserved cabinet space needed or the space will be reassigned.[10]

The Exchange proposes to provide additional detail regarding the conversion of PNU cabinets in the Proposed Procedures.

Proposed Procedures

Like the Existing Procedures, the Proposed Procedures would be set forth in General Notes 7 and 8. General Note 7 would be amended to provide that, if the amount of power or cabinets available fell below specified thresholds, Users would be subject to purchasing limits. General Note 7 would also specify when the purchasing limits would cease to apply. Consistent with the Existing Procedures, the amended General Note 7 would provide that if a User requests a number of Standard Cabinets and/or amount of Additional Power that would cause the unallocated power capacity to be below the specified power and cabinet thresholds, the purchasing limits would apply only to the portion of the User's order below the relevant threshold.[11]

[4] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2010. *See* Securities Exchange Act Release No. 62961 (September 21, 2010), 75 FR 59299 (September 27, 2010) (SR–NYSEAmex–2010–80). The Exchange is an indirect subsidiary of Intercontinental Exchange, Inc. (''ICE''). Through its ICE Data Services (''IDS'') business, ICE operates a data center in Mahwah, New Jersey (the ''data center''), from which the Exchange provides co-location services to Users.

[5] For purposes of the Exchange's co-location services, a ''User'' means any market participant that requests to receive co-location services directly from the Exchange. *See* Securities Exchange Act Release No. 76009 (September 29, 2015), 80 FR 60213 (October 5, 2015) (SR–NYSEMKT–2015–67). As specified in the NYSE American Equities Price List and Fee Schedule and the NYSE American Options Fee Schedule (together, the ''Price List and Fee Schedule''), a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates New York Stock Exchange LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSE–2021–12, SR–NYSEArca–2021–11, SR–NYSECHX–2021–02, and SR–NYSENAT–2021–03.

[6] *See* Securities Exchange Act Release No. 90732 (December 18, 2020), 85 FR 84443 (December 28, 2020) (SR–NYSE–2020–73, SR–NYSEAMER–2020–66, SR–NYSEArca–2020–82, SR–NYSECHX–2020–26, and SR–NYSENAT–2020–28) (Notice of Filings of Amendment No. 1 and Order Granting Approval of Proposed Rule Changes, Each as Modified by Amendment No. 1, Amending the Exchanges' Co-Location Services To Establish Procedures for the Allocation of Cabinets to Co-Located Users if Cabinet Inventory Falls Below Certain Thresholds).

[7] *See* Securities Exchange Act Release No. 71131 (December 18, 2013), 78 FR 77750 (December 24, 2013) (SR–NYSEMKT–2013–103).

[8] *See Id.* at 77751.

[9] *See* Securities Exchange Act Release No. 70914 (November 21, 2013), 78 FR 71000 (November 27, 2013) (SR–NYSEMKT–2013–93).

[10] Securities Exchange Act Release No. 62731 (August 16, 2010), 75 FR 51515 (August 20, 2010) (SR–NYSEAmex–2010–80), at note 5. ''Reserved cabinet space'' is a PNU cabinet. *See* 78 FR 71000, 71000–71001, *supra* note 9.

[11] For example, if there was 365 kW unallocated power capacity in co-location and a User requested to purchase cabinets and Additional Power that would, together, total 55 kW, the purchasing limits in General Note 7 would not apply to the User's

Continued

The Exchange proposes that, if either the Cabinet Threshold or the Power Threshold, or if both the Cabinet Threshold and Power Threshold are reached, all Users with PNU cabinets would be required to either convert or relinquish them, consistent with the applicable provisions. Doing so would allow all cabinets and power to be available for active use. As a result, no User would be subject to limitations on its ability to purchase and use cabinets or power at the same time that PNU cabinets were dormant.

General Note 8 would be amended to provide that, if the amount of power or cabinets available fell to zero, Users seeking to purchase power or cabinets would be put on a waitlist. The waitlist provisions for power would be substantially similar to those for cabinets in the Existing Procedures.[12] In both General Notes 7 and 8, the Proposed Procedures would also state how the Existing Procedures regarding cabinets and the new procedures regarding power would relate to each other. In each case, the Proposed Procedures would state what the threshold amount of power and cabinets would be to discontinue the limits, which would allow the Exchange to return to offering PNU cabinets. Finally, in clarifying changes, the existing text of General Notes 7 and 8 would be amended to change ''Purchasing Limits'' to ''Cabinet Limits'' and ''waitlist'' to ''Cabinet Waitlist'' and to delete redundant text.

Proposed Amendments to General Note 7

The Exchange proposes to amend General Note 7 as follows (additions *italicized,* deletions in [brackets]):

7. Cabinet *and Power* Purchasing Limits. If *(i)* unallocated cabinet inventory is at or below 40 cabinets, whether or not such cabinets are configured to be subdivided into partial cabinets (''Cabinet Threshold''), *or (ii) the unallocated power capacity in co-location is at or below 350 kW (the ''Power Threshold''),* the following limits on the purchase of new cabinets (''Purchasing Limits'') will apply:

a. Cabinet Limits. If only the Cabinet Threshold is reached, the following measures (the ''Cabinet Limits'') will apply:

- A*ll* Users with PNU cabinets will be required to either convert [its]*their* PNU cabinets into dedicated cabinets or relinquish [its]*their* PNU cabinets [before being permitted to purchase new cabinets]. *The Exchange will notify each User with a PNU cabinet that the User has 30 business days to decide whether to contract to convert the PNU cabinet to a dedicated cabinet. If the User does not contract to use the PNU cabinet as a dedicated cabinet within such time, the PNU cabinet will be relinquished.*
- [Once the Cabinet Threshold is reached, t]*T*he Exchange will limit each User's purchase of new cabinets (dedicated and partial) to a maximum of four dedicated cabinets. The maximum may be comprised of a mix of dedicated and partial cabinets, with two partial cabinets counting as one dedicated cabinet.
- If a User requests, in writing, a number of cabinets that, if provided, would cause the available cabinet inventory to be below 40 cabinets, the [Purchasing]*Cabinet* Limits will only apply to the portion of the User's order below the Cabinet Threshold.
- A User will have to wait 30 days from the date of its signed order form before purchasing new cabinets again.
- If the Cabinet Threshold is reached, the Exchange will cease offering *or providing* new PNU cabinets to all Users *and Users will not be permitted to convert a currently used dedicated cabinet to a PNU cabinet.*
- When unallocated cabinet inventory is more than 40 cabinets, the Exchange will discontinue the [Purchasing]*Cabinet* Limits.

b. Combined Limits. If only the Power Threshold is reached or both the Cabinet Threshold and the Power Threshold are reached, the following measures (the ''Combined Limits'') will apply:

- *All Users with PNU cabinets will be required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets. The Exchange will notify each User with a PNU cabinet that the User has 30 business days to decide whether to contract to convert the PNU cabinet to a dedicated cabinet. If the User does not contract to use the PNU cabinet as a dedicated cabinet within such time, the PNU cabinet will be relinquished.*
- *A User may purchase either or both of the following, so long as the combined power usage of such purchases is no more than a maximum of 32 kW:*

a. New cabinets (dedicated and partial), subject to a maximum of four dedicated cabinets with standard power allocations of 4 kW or 8 kW (''Standard Cabinets''). The purchase may be comprised of a mix of dedicated and partial cabinets, with two partial cabinets counting as one dedicated cabinet.

b. Additional power for new or existing cabinets.

- *If a User requests, in writing, a number of Standard Cabinets and/or an amount of additional power that, if provided, would cause the unallocated power capacity to be below the Power Threshold or Cabinet Threshold, the Combined Limits would apply only to the portion of the User's order below the relevant threshold.*
- *A User will have to wait 30 days from the date of its signed order form before purchasing new Standard Cabinets or additional power again.*
- *If the Power Threshold or Cabinet Threshold is reached, the Exchange will cease offering or providing new PNU cabinets to all Users and Users will not be permitted to convert a currently used dedicated cabinet to a PNU cabinet.*
- *When unallocated power capacity is above the Power Threshold, the Exchange will discontinue the Combined Limits. If at that time the unallocated cabinet inventory is 40 or fewer cabinets, the Cabinet Limits would enter into effect.*

c. Applicability. If the Cabinet Threshold is reached before the Power Threshold, the Cabinet Limits will be in effect until the Power Threshold is reached, after which the Combined Limits will apply.

Proposed Amendments to General Note 8

The Exchange proposes to amend General Note 8 as follows (additions *italicized,* deletions in [brackets]):

8. Cabinet *and Combined* Waitlists.

a. Cabinet Waitlist. Unless a Combined Waitlist is in effect, t[T]he Exchange will create a *cabinet* waitlist *(''Cabinet Waitlist'')* if the available cabinet inventory is zero, or a User requests, in writing, a number of cabinets that, if provided, would cause the available inventory to be zero. The Exchange will place Users seeking cabinets on a *Cabinet* [w]*W*aitlist, as follows:

- Users with PNU cabinets will ~~not~~ be *required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets in accordance with the measures set forth in General Note 7(a), above.* [placed on the waitlist if the User could meet its new cabinet request by converting its PNU cabinets to dedicated cabinets. A User will only be placed on the waitlist for the portion of its new cabinet request that exceeds its existing PNU cabinets, subject to the Purchasing Limitations.]
- A User will be placed on the *Cabinet* [w]*W*aitlist based on the date its signed order is received. A User may only have one order for new cabinets on the *Cabinet* [w]*W*aitlist at a time, and the order is subject to the [Purchasing]*Cabinet* Limits. *If a User changes the size of its order while it is on the Cabinet Waitlist, it will maintain its place on the Cabinet Waitlist, and will remain subject to the Cabinet Limits.*
- As cabinets become available, the Exchange will offer them to the User at the top of the *Cabinet* [w]*W*aitlist. If the User's order is completed, it will be removed from the *Cabinet* [w]*W*aitlist. If the User's order is not completed, it will remain at the top of the *Cabinet* [w]*W*aitlist.
- A User will be removed from the *Cabinet* [w]*W*aitlist (a) at the User's request or (b) if

purchase of the first 15 kW, whether those kW were in the form of cabinets or Additional Power. Once the power threshold was reached, the combined limits would be activated, limiting the User's purchase of additional cabinets and Additional Power. In all, the User would be permitted to purchase a total of 47 kW out of its original order of 55 kW. The User could choose whether the 47 kW was in the form of cabinets, Additional Power, or both.

[12] Consistent with the Existing Procedures, the Proposed Procedures would provide that, as additional power and cabinets became available, the Exchange would offer it to the User at the top of the combined waitlist. Power may become available if, for example, (a) a User vacates a dedicated or partial cabinet or relinquishes Additional Power or (b) IDS builds additional capacity. Cabinets may become available if, for example, a User vacates a dedicated or partial cabinet.

the User turns down an offer of a cabinet of the same size it requested in its order. If the Exchange offers the User a cabinet of a different size than the User requested in its order, the User may turn down the offer and remain at the top of the *Cabinet* [w]*W*aitlist until its order is completed.

• A User that is removed from the *Cabinet* [w]*W*aitlist but subsequently submits a new written order for cabinets will be added back to the bottom of the *Cabinet* [w]*W*aitlist.

• When unallocated cabinet inventory is more than 10 cabinets, the Exchange will cease use of the *Cabinet* [w]*W*aitlist.

b. Combined Waitlist. The Exchange would create a power and cabinet waitlist (''Combined Waitlist'') if the unallocated power capacity is zero, or if a User requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or additional power) that, if provided, would cause the unallocated power capacity to be below zero. The Exchange would place Users seeking cabinets or power on the Combined Waitlist, as follows:

• *All Users with PNU cabinets will be required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets in accordance with the measures set forth in General Note 7(b), above.*

• *If a Cabinet Waitlist exists when the requirements to create a Combined Waitlist are met, the Cabinet Waitlist will automatically convert to the Combined Waitlist. If a Combined Waitlist exists when the requirements to create a Cabinet Waitlist are met, no new waitlist will be created, and the Combined Waitlist will continue in effect.*

• *A User will be placed on the Combined Waitlist based on the date its signed order for cabinets and/or additional power is received. A User may only have one order for new cabinets and/or additional power on the Combined Waitlist at a time, and the order would be subject to the Combined Limits. If a User changes the size of its order while it is on the Combined Waitlist, it will maintain its place on the Combined Waitlist, and will remain subject to the Combined Limits.*

• *As additional power and/or cabinets become available, the Exchange will offer them to the User at the top of the Combined Waitlist. If the User's order is completed, the order will be removed from the Combined Waitlist. If the User's order is not completed, it will remain at the top of the Combined Waitlist.*

• *A User will be removed from the Combined Waitlist (a) at the User's request; (b) if the User turns down an offer that is the same as its order (e.g., the offer includes cabinets of the same size and/or the amount of additional power that the User requested in its order). If the Exchange offers the User an offer that is different than its order, the User may turn down the offer and remain at the top of the Combined Waitlist until its order is completed.*

• *A User that is removed from the Combined Waitlist but subsequently submits a new written order for cabinets and/or additional power will be added back to the bottom of the waitlist.*

• *If the Combined Waitlist is in effect, when unallocated power capacity in co-location is at 100 kW, the Exchange will cease use of the waitlist. If at that time the unallocated cabinet inventory is 10 or fewer cabinets, the Cabinet Limits would enter into effect.*

The proposed change would apply the same way to all types and sizes of market participants. As is currently the case, the purchase of any colocation service is completely voluntary and the Price List and Fee Schedule are applied uniformly to all Users. The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[14] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. In addition, it is designed 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 mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Proposed Rule Change Is Reasonable and Equitable

The Exchange believes that the proposed rule change is reasonable and equitable for the following reasons.

The Exchange believes that User demand for power will continue. The Exchange is currently working to expand the amount of power and number of cabinets available in colocation. Nevertheless, the Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to establish the allocation of power and cabinets on an equitable basis, consistent with the Established Procedures. The Proposed Procedures would establish a rational, objective procedure that would be applied uniformly by the Exchange to all Users that requested new cabinets or Additional Power.

The Exchange believes that integrating the procedures for the allocation of power with the Existing Procedures would be reasonable, because cabinets are provided with power. Having both power and cabinets covered by the Proposed Procedures would ensure that the procedures for all relevant services are consistent and coordinated. Having the Proposed Procedures state what would occur if the Cabinet Threshold and Power Threshold are reached at different times, and how the Cabinet Waitlist and Combined Waitlist interrelate, is reasonable for the same reason.

The Exchange believes that following the Existing Procedures' two-tier structure of establishing, first, a purchasing limitation on order size, and second, a waitlist, would be a reasonable method to respond to increasing demand for power and cabinets in the future. The Exchange notes that the Existing Procedures are consistent with the Nasdaq procedures for allocating cabinets if its cabinet inventory shrinks to zero.[15] The Exchange believes that it is reasonable to amend the Existing Procedures to clarify what would occur if a User changes the size of its order while it is on the Cabinet Waitlist.

The Exchange believes that the proposed Power Threshold is reasonable and equitable. Based on experience, the Exchange believes that the Power Threshold of 350 kW is reasonable and appropriate because it is sufficiently low that it would not be triggered repeatedly, yet it offers a reasonable buffer during which the Combined Limits would apply before the Combined Waitlist would become effective.

The Exchange believes that the proposed Combined Limits are reasonable and equitable. Based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth.

Further, the Exchange believes that, by establishing a waitlist on the basis of the date it receives signed orders, limiting the size and number of orders a User may have on the waitlist at any

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] *See* Securities Exchange Act Release No. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019).

one time, stating what happens if a User changes its order while on the waitlist, and removing a User from the waitlist if it turns down an offer that is the same as what it requested, the Combined Waitlist is largely consistent with the Existing Procedures and reasonably designed to prevent Users from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, thereby facilitating a more equitable distribution. Similarly, the Exchange believes that by requiring a 30-day delay before a User subject to the Combined Limits could purchase Standard Cabinets or Additional Power again, the Proposed Procedure is reasonably designed to prevent a User from obtaining a greater portion of the power and cabinets available.

The Exchange believes that the proposed change is reasonable and equitable because the Exchange would only place limits on Users' ability to purchase Standard Cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. Similarly, the Exchange believes that the proposed change is reasonable and equitable because the Combined Waitlist would only be created if unallocated power capacity in co-location is zero, or if a User requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or Additional Power) that, if provided, would cause the unallocated power capacity to be below zero, and because there would be an established threshold for cessation of the Combined Waitlist.

The Exchange believes that it would be reasonable and equitable to require Users with PNU cabinets to either convert their PNU cabinets into dedicated cabinets or relinquish them if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would make the power reserved for PNU cabinets and the cabinets themselves available to meet User demand for power and cabinets. As a result, no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. The Exchange believes that the measure is therefore reasonably designed to prevent a User from reserving, but not using, power or cabinets at a time when other Users are subject to limitations, facilitating a more equitable distribution.

The Proposed Procedures would provide additional specificity to the existing PNU cabinet provision permitting conversion of PNU cabinets, by stating what the relevant thresholds would be, when the Exchange would require Users to decide whether to convert their PNU cabinets, and when PNU cabinets would be offered again, thereby increasing transparency and adding clarity.

The Exchange believes that the proposed change would be a reasonable method for the Exchange to accommodate demand for power and cabinets on an equitable basis, while allowing all Users that currently have a PNU cabinet to have a choice between converting their PNU cabinet to a dedicated cabinet or relinquishing it. The Exchange notes that Nasdaq's co-location customers that have a ''Cabinet Proximity Option'' have a similar choice if Nasdaq determines that the reserved data center space is needed for use.[16] Finally, the Exchange believes that it would be fair and equitable to require all Users with PNU cabinets to be subject to the same measures if the Cabinet Threshold or Power Threshold were met.

The Proposed Rule Change Would Protect Investors and the Public Interest

The Exchange believes that the proposed rule change would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest for the following reasons.

The Exchange believes that User demand for cabinets and power will continue. In this context, the proposed rule change would allow the Exchange to protect investors and the public interest, first, by setting limits on Users' ability to purchase power, and second, by using a waitlist to allocate any unallocated cabinets and power on a first come-first served rolling basis.

Based on experience, the Exchange believes that the Power Threshold is sufficiently low that it would not be triggered repeatedly, which would protect investors and the public interest. Similarly, based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth, which would protect investors and the public interest.

In addition, the Proposed Procedures would protect investors and the public interest in that they are designed to prevent Users from utilizing the Combined Limit and waitlist procedures to obtain a greater portion of the power and cabinets available, thereby facilitating a more equitable distribution.

The Exchange believes that it would protect investors and the public interest to require Users with PNU cabinets to either convert their PNU cabinets into dedicated cabinets or relinquish them if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would mean that no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. The Exchange believes that the measure is therefore reasonably designed to prevent a User from reserving but not using power or cabinets at a time when other Users are subject to limitations.

The proposed rule change would protect investors and the public interest because the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List and Fee Schedule more transparent and reduce any potential ambiguity.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes that the proposed change is not unfairly discriminatory for the following reasons.

The proposed change would apply equally to all types and sizes of market participants. If the Proposed Procedures were in place, all Users would be able to identify the permitted cabinet and power options and the procedures that would apply to them in the event that unallocated cabinet or power supply runs low in the future. All Users with PNU cabinets would be subject to the same measures if the Cabinet Threshold or Power Threshold were met. The Proposed Procedures would assist the Exchange in accommodating demand for co-location services, and power and cabinets in particular, on an equitable basis.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

[16] Co-location customers may either contract with Nasdaq for full payment or have the cabinet reassigned. Securities Exchange Act Release No. 62354 (June 22, 2010), 75 FR 38860 (July 6, 2010) (SR–Nasdaq–2010–019).

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[17] the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that the proposed change would place any burden on intramarket competition that is not necessary or appropriate. The proposed change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally.

The Exchange believes that, if triggered, the imposition of the Combined Limits or Combined Waitlist would not impose a burden on a User's ability to compete that is not necessary or appropriate. The Exchange believes that User demand for power will continue in the future, and the Exchange is presently working to expand the amount of power and number of cabinets available in colocation. In this context, the Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to expand on the Existing Procedures and establish a method for allocating not just cabinets but also power on an equitable basis.

The Exchange would only follow the Proposed Procedures and place limits on Users' ability to purchase new power and cabinets if either or both the proposed Power Threshold and existing Cabinet Threshold were met, as specified in the proposed General Notes. Similarly, the Exchange would only create the Proposed Waitlist if the unallocated power capacity is zero, or if a User requests, in writing, an amount of power that, if provided, would cause the unallocated power capacity to be below zero. Based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth.

The Exchange believes that the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how power and cabinets would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List and Fee Schedule more transparent and reduce any potential ambiguity.

The Exchange believes that it would not impose a burden on a User's ability to compete that is not necessary or appropriate to require Users with PNU cabinets to either convert or relinquish their PNU cabinets if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would make the power reserved for PNU cabinets and the cabinets themselves available to meet User demand for power and cabinets. As a result, no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. A User does not require a PNU cabinet to trade on the Exchange, and whether or not a User has a PNU cabinet has no effect on such User's orders going to, or trade data coming from, the Exchange, or the User's ability to utilize other co-location services. Rather, the proposed change would assist the Exchange in accommodating demand for co-location services on an equitable basis.

Use of any co-location service is completely voluntary, and each market participant is able to determine whether to use co-location services based on the requirements of its business operations.

Intermarket Competition

The Exchange does not believe that the proposed change would impose any burden on intermarket competition that is not necessary or appropriate.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of, and other business from, such market participants.

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.'' [18]

The proposed rule change would protect investors and the public interest because the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List and Fee Schedule more transparent and reduce any potential ambiguity.

For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2021–08 on the subject line.

[17] 15 U.S.C. 78f(b)(8).

[18] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

Paper Comments

• Send paper comments in triplicate to: Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2021–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2021–08 and should be submitted on or before March 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03719 Filed 2–23–21; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91156; File No. SR–NYSEARCA–2021–11]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Establish Procedures for the Allocation of Power to Its Co-Located Users

February 18, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 4, 2021, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to establish procedures for the allocation of power to its co-located Users. The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to establish procedures for the allocation of power to its co-located [4] Users.[5]

Recently, the Exchange added procedures for the allocation of cabinets (''Existing Procedures'') [6] in colocation should it become needed, which procedures are not currently being used. In addition, Users have had an unprecedented demand for power, largely driven by the demands caused by volatile market conditions related to the COVID–19 pandemic and higher than usual trading volumes. The Exchange is currently working to expand the amount of power and number of cabinets available in colocation. To complement the procedures for allocation of colocation cabinets, the Exchange believes it would be prudent to have procedures in place for the allocation of power, should such allocation be necessary. The Exchange accordingly proposes to expand the Existing Procedures to incorporate

[4] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2010. *See* Securities Exchange Act Release No. 63275 (November 8, 2010), 75 FR 70048 (November 16, 2010) (SR–NYSEArca–2010–100). The Exchange is an indirect subsidiary of Intercontinental Exchange, Inc. (''ICE''). Through its ICE Data Services (''IDS'') business, ICE operates a data center in Mahwah, New Jersey (the ''data center''), from which the Exchange provides co-location services to Users.

[5] For purposes of the Exchange's co-location services, a ''User'' means any market participant that requests to receive co-location services directly from the Exchange. *See* Securities Exchange Act Release No. 76010 (September 29, 2015), 80 FR 60197 (October 5, 2015) (SR–NYSEArca–2015–82). As specified in the NYSE Arca Options Fees and Charges and the NYSE Arca Equities Fees and Charges (together, the ''Fee Schedules''), a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates New York Stock Exchange LLC, NYSE American LLC, NYSE Chicago, Inc., and NYSE National, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSE–2021–12, SR–NYSEAMER–2021–08, SR–NYSECHX–2021–02, and SR–NYSENAT–2021–03.

[6] *See* Securities Exchange Act Release No. 90732 (December 18, 2020), 85 FR 84443 (December 28, 2020) (SR–NYSE–2020–73, SR–NYSEAMER–2020–66, SR–NYSEArca–2020–82, SR–NYSECHX–2020–26, and SR–NYSENAT–2020–28) (Notice of Filings of Amendment No. 1 and Order Granting Approval of Proposed Rule Changes, Each as Modified by Amendment No. 1, Amending the Exchanges' Co-Location Services To Establish Procedures for the Allocation of Cabinets to Co-Located Users if Cabinet Inventory Falls Below Certain Thresholds).

procedures for the allocation of power (''Proposed Procedures'').

Background

Users currently have two options for purchasing power. First, a User may purchase a new dedicated or partial cabinet, which comes with power. The User pays an initial fee and a monthly fee based on the number of kilowatts (''kW'') contracted for the cabinet. The dedicated cabinets have a standard power allocation of either 4 kW or 8 kW (the ''Standard Cabinet Power''). Partial cabinets are available in increments of eight-rack units of space, and each eight-rack unit may be allocated 1 or 2 kW. The Exchange allocates cabinets on a first-come/first-serve basis.

Second, a User may request power upgrades to dedicated cabinets in addition to the Standard Cabinet Power.[7] Users may request that such additional power (''Additional Power'') be allocated to a cabinet when it is first set up or later. A User with a dedicated cabinet, for example, may develop its infrastructure in a manner that allows it to expand the hardware within that cabinet by adding Additional Power. Because it could add Additional Power to its existing cabinet, the User would not need an additional cabinet. Adding Additional Power may entail overhauling wiring, circuitry and hardware for the dedicated cabinet so that it can handle the increased power.[8]

The Exchange also offers cabinets that do not have power: Cabinets for which power is not utilized (''PNU cabinets''). PNU cabinets are reserved cabinet space that are not active, and that can be converted to a powered, dedicated cabinet when the User requests it.[9] Although PNU cabinets do not use power, when the Exchange establishes a PNU cabinet, it allocates unused power capacity to it, depending on the User's requirements. The allocated power is kept in reserve for the PNU cabinet, and, upon the User's request, the PNU cabinet may be powered and used promptly.

If additional power or cabinets are needed, the Exchange may use established measures to convert PNU cabinets:

[i]f reserved cabinet space becomes needed for use, the reserving User will have 30 business days to formally contract with the Exchange for full payment for the reserved cabinet space needed or the space will be reassigned.[10]

The Exchange proposes to provide additional detail regarding the conversion of PNU cabinets in the Proposed Procedures.

Proposed Procedures

Like the Existing Procedures, the Proposed Procedures would be set forth in General Notes 7 and 8. General Note 7 would be amended to provide that, if the amount of power or cabinets available fell below specified thresholds, Users would be subject to purchasing limits. General Note 7 would also specify when the purchasing limits would cease to apply. Consistent with the Existing Procedures, the amended General Note 7 would provide that if a User requests a number of Standard Cabinets and/or amount of Additional Power that would cause the unallocated power capacity to be below the specified power and cabinet thresholds, the purchasing limits would apply only to the portion of the User's order below the relevant threshold.[11]

The Exchange proposes that, if either the Cabinet Threshold or the Power Threshold, or if both the Cabinet Threshold and Power Threshold are reached, all Users with PNU cabinets would be required to either convert or relinquish them, consistent with the applicable provisions. Doing so would allow all cabinets and power to be available for active use. As a result, no User would be subject to limitations on its ability to purchase and use cabinets or power at the same time that PNU cabinets were dormant.

General Note 8 would be amended to provide that, if the amount of power or cabinets available fell to zero, Users seeking to purchase power or cabinets would be put on a waitlist. The waitlist provisions for power would be substantially similar to those for cabinets in the Existing Procedures.[12] In both General Notes 7 and 8, the Proposed Procedures would also state how the Existing Procedures regarding cabinets and the new procedures regarding power would relate to each other. In each case, the Proposed Procedures would state what the threshold amount of power and cabinets would be to discontinue the limits, which would allow the Exchange to return to offering PNU cabinets. Finally, in clarifying changes, the existing text of General Notes 7 and 8 would be amended to change ''Purchasing Limits'' to ''Cabinet Limits'' and ''waitlist'' to ''Cabinet Waitlist'' and to delete redundant text.

Proposed Amendments to General Note 7

The Exchange proposes to amend General Note 7 as follows (additions *italicized,* deletions in [brackets]):

7. Cabinet *and Power* Purchasing Limits. If *(i)* unallocated cabinet inventory is at or below 40 cabinets, whether or not such cabinets are configured to be subdivided into partial cabinets (''Cabinet Threshold''), *or (ii) the unallocated power capacity in co-location is at or below 350 kW (the ''Power Threshold''),* the following limits on the purchase of new cabinets (''Purchasing Limits'') will apply:

a. Cabinet Limits. If only the Cabinet Threshold is reached, the following measures (the ''Cabinet Limits'') will apply:

- A*ll* User*s* with PNU cabinets will be required to either convert [its]*their* PNU cabinets into dedicated cabinets or relinquish [its]*their* PNU cabinets [before being permitted to purchase new cabinets]. *The Exchange will notify each User with a PNU cabinet that the User has 30 business days to decide whether to contract to convert the PNU cabinet to a dedicated cabinet. If the User does not contract to use the PNU cabinet as a dedicated cabinet within such time, the PNU cabinet will be relinquished.*
- [Once the Cabinet Threshold is reached, t]*T*he Exchange will limit each User's purchase of new cabinets (dedicated and partial) to a maximum of four dedicated cabinets. The maximum may be comprised of a mix of dedicated and partial cabinets, with two partial cabinets counting as one dedicated cabinet.
- If a User requests, in writing, a number of cabinets that, if provided, would cause the available cabinet inventory to be below 40 cabinets, the [Purchasing]*Cabinet* Limits will only apply to the portion of the User's order below the Cabinet Threshold.
- A User will have to wait 30 days from the date of its signed order form before purchasing new cabinets again.

[7] *See* Securities Exchange Act Release No. 71130 (December 18, 2013), 78 FR 77765 (December 24, 2013) (SR–NYSEArca–2013–143).

[8] *See Id.* at 77767.

[9] *See* Securities Exchange Act Release No. 70916 (November 21, 2013), 78 FR 70989 (November 27, 2013) (SR–NYSEArca–2013–124).

[10] 75 FR 70048, *supra* note 4, at note 7. ''Reserved cabinet space'' is a PNU cabinet. *See* 78 FR 70989, 70990, *supra* note 9.

[11] For example, if there was 365 kW unallocated power capacity in co-location and a User requested to purchase cabinets and Additional Power that would, together, total 55 kW, the purchasing limits in General Note 7 would not apply to the User's purchase of the first 15 kW, whether those kW were in the form of cabinets or Additional Power. Once the power threshold was reached, the combined limits would be activated, limiting the User's purchase of additional cabinets and Additional Power. In all, the User would be permitted to purchase a total of 47 kW out of its original order of 55 kW. The User could choose whether the 47 kW was in the form of cabinets, Additional Power, or both.

[12] Consistent with the Existing Procedures, the Proposed Procedures would provide that, as additional power and cabinets became available, the Exchange would offer it to the User at the top of the combined waitlist. Power may become available if, for example, (a) a User vacates a dedicated or partial cabinet or relinquishes Additional Power or (b) IDS builds additional capacity. Cabinets may become available if, for example, a User vacates a dedicated or partial cabinet.

• If the Cabinet Threshold is reached, the Exchange will cease offering *or providing* new PNU cabinets to all Users *and Users will not be permitted to convert a currently used dedicated cabinet to a PNU cabinet.*

• When unallocated cabinet inventory is more than 40 cabinets, the Exchange will discontinue the [Purchasing]*Cabinet* Limits.

b. Combined Limits. If only the Power Threshold is reached or both the Cabinet Threshold and the Power Threshold are reached, the following measures (the ''Combined Limits'') will apply:

• *All Users with PNU cabinets will be required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets. The Exchange will notify each User with a PNU cabinet that the User has 30 business days to decide whether to contract to convert the PNU cabinet to a dedicated cabinet. If the User does not contract to use the PNU cabinet as a dedicated cabinet within such time, the PNU cabinet will be relinquished.*

• *A User may purchase either or both of the following, so long as the combined power usage of such purchases is no more than a maximum of 32 kW:*

a. New cabinets (dedicated and partial), subject to a maximum of four dedicated cabinets with standard power allocations of 4 kW or 8 kW (''Standard Cabinets''). The purchase may be comprised of a mix of dedicated and partial cabinets, with two partial cabinets counting as one dedicated cabinet.

b. Additional power for new or existing cabinets.

• *If a User requests, in writing, a number of Standard Cabinets and/or an amount of additional power that, if provided, would cause the unallocated power capacity to be below the Power Threshold or Cabinet Threshold, the Combined Limits would apply only to the portion of the User's order below the relevant threshold.*

• *A User will have to wait 30 days from the date of its signed order form before purchasing new Standard Cabinets or additional power again.*

• *If the Power Threshold or Cabinet Threshold is reached, the Exchange will cease offering or providing new PNU cabinets to all Users and Users will not be permitted to convert a currently used dedicated cabinet to a PNU cabinet.*

• *When unallocated power capacity is above the Power Threshold, the Exchange will discontinue the Combined Limits. If at that time the unallocated cabinet inventory is 40 or fewer cabinets, the Cabinet Limits would enter into effect.*

c. Applicability. If the Cabinet Threshold is reached before the Power Threshold, the Cabinet Limits will be in effect until the Power Threshold is reached, after which the Combined Limits will apply.

Proposed Amendments to General Note 8

The Exchange proposes to amend General Note 8 as follows (additions *italicized,* deletions in [brackets]):

8. Cabinet *and Combined* Waitlists*.*

a. Cabinet Waitlist. Unless a Combined Waitlist is in effect, t[T]he Exchange will create a *cabinet* waitlist *(''Cabinet Waitlist'')* if the available cabinet inventory is zero, or a User requests, in writing, a number of cabinets that, if provided, would cause the available inventory to be zero. The Exchange will place Users seeking cabinets on a *Cabinet* [w]*W*aitlist, as follows:

• Users with PNU cabinets will ~~not~~ be *required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets in accordance with the measures set forth in General Note 7(a), above.*[placed on the waitlist if the User could meet its new cabinet request by converting its PNU cabinets to dedicated cabinets. A User will only be placed on the waitlist for the portion of its new cabinet request that exceeds its existing PNU cabinets, subject to the Purchasing Limitations.]

• A User will be placed on the *Cabinet* [w]*W*aitlist based on the date its signed order is received. A User may only have one order for new cabinets on the *Cabinet* [w]*W*aitlist at a time, and the order is subject to the [Purchasing]*Cabinet* Limits. *If a User changes the size of its order while it is on the Cabinet Waitlist, it will maintain its place on the Cabinet Waitlist, and will remain subject to the Cabinet Limits.*

• As cabinets become available, the Exchange will offer them to the User at the top of the *Cabinet* [w]*W*aitlist. If the User's order is completed, it will be removed from the *Cabinet* [w]*W*aitlist. If the User's order is not completed, it will remain at the top of the *Cabinet* [w]*W*aitlist.

• A User will be removed from the *Cabinet* [w]*W*aitlist (a) at the User's request or (b) if the User turns down an offer of a cabinet of the same size it requested in its order. If the Exchange offers the User a cabinet of a different size than the User requested in its order, the User may turn down the offer and remain at the top of the *Cabinet* [w]*W*aitlist until its order is completed.

• A User that is removed from the *Cabinet* [w]*W*aitlist but subsequently submits a new written order for cabinets will be added back to the bottom of the *Cabinet* [w]*W*aitlist.

• When unallocated cabinet inventory is more than 10 cabinets, the Exchange will cease use of the *Cabinet* [w]*W*aitlist.

b. Combined Waitlist. The Exchange would create a power and cabinet waitlist (''Combined Waitlist'') if the unallocated power capacity is zero, or if a User requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or additional power) that, if provided, would cause the unallocated power capacity to be below zero. The Exchange would place Users seeking cabinets or power on the Combined Waitlist, as follows:

• *All Users with PNU cabinets will be required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets in accordance with the measures set forth in General Note 7(b), above.*

• *If a Cabinet Waitlist exists when the requirements to create a Combined Waitlist are met, the Cabinet Waitlist will automatically convert to the Combined Waitlist. If a Combined Waitlist exists when the requirements to create a Cabinet Waitlist are met, no new waitlist will be created, and the Combined Waitlist will continue in effect.*

• *A User will be placed on the Combined Waitlist based on the date its signed order for cabinets and/or additional power is received. A User may only have one order for new cabinets and/or additional power on the Combined Waitlist at a time, and the order would be subject to the Combined Limits. If a User changes the size of its order while it is on the Combined Waitlist, it will maintain its place on the Combined Waitlist, and will remain subject to the Combined Limits.*

• *As additional power and/or cabinets become available, the Exchange will offer them to the User at the top of the Combined Waitlist. If the User's order is completed, the order will be removed from the Combined Waitlist. If the User's order is not completed, it will remain at the top of the Combined Waitlist.*

• *A User will be removed from the Combined Waitlist (a) at the User's request; (b) if the User turns down an offer that is the same as its order (e.g., the offer includes cabinets of the same size and/or the amount of additional power that the User requested in its order). If the Exchange offers the User an offer that is different than its order, the User may turn down the offer and remain at the top of the Combined Waitlist until its order is completed.*

• *A User that is removed from the Combined Waitlist but subsequently submits a new written order for cabinets and/or additional power will be added back to the bottom of the waitlist.*

• *If the Combined Waitlist is in effect, when unallocated power capacity in co-location is at 100 kW, the Exchange will cease use of the waitlist. If at that time the unallocated cabinet inventory is 10 or fewer cabinets, the Cabinet Limits would enter into effect.*

The proposed change would apply the same way to all types and sizes of market participants. As is currently the case, the purchase of any colocation service is completely voluntary and the Fee Schedules are applied uniformly to all Users. The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[14] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers,

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

issuers, brokers or dealers. In addition, it is designed 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 mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Proposed Rule Change Is Reasonable and Equitable

The Exchange believes that the proposed rule change is reasonable and equitable for the following reasons.

The Exchange believes that User demand for power will continue. The Exchange is currently working to expand the amount of power and number of cabinets available in colocation. Nevertheless, the Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to establish the allocation of power and cabinets on an equitable basis, consistent with the Established Procedures. The Proposed Procedures would establish a rational, objective procedure that would be applied uniformly by the Exchange to all Users that requested new cabinets or Additional Power.

The Exchange believes that integrating the procedures for the allocation of power with the Existing Procedures would be reasonable, because cabinets are provided with power. Having both power and cabinets covered by the Proposed Procedures would ensure that the procedures for all relevant services are consistent and coordinated. Having the Proposed Procedures state what would occur if the Cabinet Threshold and Power Threshold are reached at different times, and how the Cabinet Waitlist and Combined Waitlist interrelate, is reasonable for the same reason.

The Exchange believes that following the Existing Procedures' two-tier structure of establishing, first, a purchasing limitation on order size, and second, a waitlist, would be a reasonable method to respond to increasing demand for power and cabinets in the future. The Exchange notes that the Existing Procedures are consistent with the Nasdaq procedures for allocating cabinets if its cabinet inventory shrinks to zero.[15] The Exchange believes that it is reasonable to amend the Existing Procedures to clarify what would occur if a User changes the size of its order while it is on the Cabinet Waitlist.

The Exchange believes that the proposed Power Threshold is reasonable and equitable. Based on experience, the Exchange believes that the Power Threshold of 350 kW is reasonable and appropriate because it is sufficiently low that it would not be triggered repeatedly, yet it offers a reasonable buffer during which the Combined Limits would apply before the Combined Waitlist would become effective.

The Exchange believes that the proposed Combined Limits are reasonable and equitable. Based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth.

Further, the Exchange believes that, by establishing a waitlist on the basis of the date it receives signed orders, limiting the size and number of orders a User may have on the waitlist at any one time, stating what happens if a User changes its order while on the waitlist, and removing a User from the waitlist if it turns down an offer that is the same as what it requested, the Combined Waitlist is largely consistent with the Existing Procedures and reasonably designed to prevent Users from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, thereby facilitating a more equitable distribution. Similarly, the Exchange believes that by requiring a 30-day delay before a User subject to the Combined Limits could purchase Standard Cabinets or Additional Power again, the Proposed Procedure is reasonably designed to prevent a User from obtaining a greater portion of the power and cabinets available.

The Exchange believes that the proposed change is reasonable and equitable because the Exchange would only place limits on Users' ability to purchase Standard Cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. Similarly, the Exchange believes that the proposed change is reasonable and equitable because the Combined Waitlist would only be created if unallocated power capacity in co-location is zero, or if a User requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or Additional Power) that, if provided, would cause the unallocated power capacity to be below zero, and because there would be an established threshold for cessation of the Combined Waitlist.

The Exchange believes that it would be reasonable and equitable to require Users with PNU cabinets to either convert their PNU cabinets into dedicated cabinets or relinquish them if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would make the power reserved for PNU cabinets and the cabinets themselves available to meet User demand for power and cabinets. As a result, no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. The Exchange believes that the measure is therefore reasonably designed to prevent a User from reserving, but not using, power or cabinets at a time when other Users are subject to limitations, facilitating a more equitable distribution.

The Proposed Procedures would provide additional specificity to the existing PNU cabinet provision permitting conversion of PNU cabinets, by stating what the relevant thresholds would be, when the Exchange would require Users to decide whether to convert their PNU cabinets, and when PNU cabinets would be offered again, thereby increasing transparency and adding clarity.

The Exchange believes that the proposed change would be a reasonable method for the Exchange to accommodate demand for power and cabinets on an equitable basis, while allowing all Users that currently have a PNU cabinet to have a choice between converting their PNU cabinet to a dedicated cabinet or relinquishing it. The Exchange notes that Nasdaq's co-location customers that have a ''Cabinet Proximity Option'' have a similar choice if Nasdaq determines that the reserved data center space is needed for use.[16] Finally, the Exchange believes that it would be fair and equitable to require all Users with PNU cabinets to be subject to the same measures if the Cabinet Threshold or Power Threshold were met.

[15] *See* Securities Exchange Act Release No. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019).

[16] Co-location customers may either contract with Nasdaq for full payment or have the cabinet reassigned. Securities Exchange Act Release No. 62354 (June 22, 2010), 75 FR 38860 (July 6, 2010) (SR–Nasdaq–2010–019).

The Proposed Rule Change Would Protect Investors and the Public Interest

The Exchange believes that the proposed rule change would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest for the following reasons.

The Exchange believes that User demand for cabinets and power will continue. In this context, the proposed rule change would allow the Exchange to protect investors and the public interest, first, by setting limits on Users' ability to purchase power, and second, by using a waitlist to allocate any unallocated cabinets and power on a first come-first served rolling basis.

Based on experience, the Exchange believes that the Power Threshold is sufficiently low that it would not be triggered repeatedly, which would protect investors and the public interest. Similarly, based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth, which would protect investors and the public interest.

In addition, the Proposed Procedures would protect investors and the public interest in that they are designed to prevent Users from utilizing the Combined Limit and waitlist procedures to obtain a greater portion of the power and cabinets available, thereby facilitating a more equitable distribution.

The Exchange believes that it would protect investors and the public interest to require Users with PNU cabinets to either convert their PNU cabinets into dedicated cabinets or relinquish them if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would mean that no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. The Exchange believes that the measure is therefore reasonably designed to prevent a User from reserving but not using power or cabinets at a time when other Users are subject to limitations.

The proposed rule change would protect investors and the public interest because the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Fee Schedules more transparent and reduce any potential ambiguity.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes that the proposed change is not unfairly discriminatory for the following reasons.

The proposed change would apply equally to all types and sizes of market participants. If the Proposed Procedures were in place, all Users would be able to identify the permitted cabinet and power options and the procedures that would apply to them in the event that unallocated cabinet or power supply runs low in the future. All Users with PNU cabinets would be subject to the same measures if the Cabinet Threshold or Power Threshold were met. The Proposed Procedures would assist the Exchange in accommodating demand for co-location services, and power and cabinets in particular, on an equitable basis.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[17] the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that the proposed change would place any burden on intramarket competition that is not necessary or appropriate. The proposed change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally.

The Exchange believes that, if triggered, the imposition of the Combined Limits or Combined Waitlist would not impose a burden on a User's ability to compete that is not necessary or appropriate. The Exchange believes that User demand for power will continue in the future, and the Exchange is presently working to expand the amount of power and number of cabinets available in colocation. In this context, the Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to expand on the Existing Procedures and establish a method for allocating not just cabinets but also power on an equitable basis.

The Exchange would only follow the Proposed Procedures and place limits on Users' ability to purchase new power and cabinets if either or both the proposed Power Threshold and existing Cabinet Threshold were met, as specified in the proposed General Notes. Similarly, the Exchange would only create the Proposed Waitlist if the unallocated power capacity is zero, or if a User requests, in writing, an amount of power that, if provided, would cause the unallocated power capacity to be below zero. Based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth.

The Exchange believes that the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how power and cabinets would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Fee Schedules more transparent and reduce any potential ambiguity.

The Exchange believes that it would not impose a burden on a User's ability to compete that is not necessary or appropriate to require Users with PNU cabinets to either convert or relinquish their PNU cabinets if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would make the power reserved for PNU cabinets and the cabinets themselves available to meet User demand for power and cabinets. As a result, no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. A User does not require a PNU cabinet to trade on the Exchange, and whether or not a User has a PNU cabinet has no effect on such User's orders going to, or trade data coming from, the Exchange, or the User's ability to utilize other co-location services. Rather, the

[17] 15 U.S.C. 78f(b)(8).

proposed change would assist the Exchange in accommodating demand for co-location services on an equitable basis.

Use of any co-location service is completely voluntary, and each market participant is able to determine whether to use co-location services based on the requirements of its business operations.

Intermarket Competition

The Exchange does not believe that the proposed change would impose any burden on intermarket competition that is not necessary or appropriate.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of, and other business from, such market participants.

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.'' [18]

The proposed rule change would protect investors and the public interest because the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Fee Schedules more transparent and reduce any potential ambiguity.

For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

[18] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or *up to 90 days* (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2021–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2021–11. 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–NYSEARCA–2021–11 and should be submitted on or before March 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03726 Filed 2–23–21; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91157; File No. SR–NYSECHX–2021–02]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing of Proposed Rule Change To Establish Procedures for the Allocation of Power to Its Co-Located Users

February 18, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 4, 2021, the NYSE Chicago, Inc. (''NYSE Chicago'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to establish procedures for the allocation of power

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

to its co-located Users. The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to establish procedures for the allocation of power to its co-located [4] Users.[5]

Recently, the Exchange added procedures for the allocation of cabinets (''Existing Procedures'')[6] in colocation should it become needed, which procedures are not currently being used. In addition, Users have had an unprecedented demand for power, largely driven by the demands caused by volatile market conditions related to the COVID–19 pandemic and higher than usual trading volumes. The Exchange is currently working to expand the amount of power and number of cabinets available in colocation. To complement the procedures for allocation of colocation cabinets, the Exchange believes it would be prudent to have procedures in place for the allocation of power, should such allocation be necessary. The Exchange accordingly proposes to expand the Existing Procedures to incorporate procedures for the allocation of power (''Proposed Procedures'').

Background

Users currently have two options for purchasing power. First, a User may purchase a new dedicated or partial cabinet, which comes with power. The User pays an initial fee and a monthly fee based on the number of kilowatts (''kW'') contracted for the cabinet. The dedicated cabinets have a standard power allocation of either 4 kW or 8 kW (the ''Standard Cabinet Power''). Partial cabinets are available in increments of eight-rack units of space, and each eight-rack unit may be allocated 1 or 2 kW. The Exchange allocates cabinets on a first-come/first-serve basis.

Second, a User may request power upgrades to dedicated cabinets in addition to the Standard Cabinet Power.[7] Users may request that such additional power (''Additional Power'') be allocated to a cabinet when it is first set up or later. A User with a dedicated cabinet, for example, may develop its infrastructure in a manner that allows it to expand the hardware within that cabinet by adding Additional Power. Because it could add Additional Power to its existing cabinet, the User would not need an additional cabinet. Adding Additional Power may entail overhauling wiring, circuitry and hardware for the dedicated cabinet so that it can handle the increased power.[8]

The Exchange also offers cabinets that do not have power: Cabinets for which power is not utilized (''PNU cabinets''). PNU cabinets are reserved cabinet space that are not active, and that can be converted to a powered, dedicated cabinet when the User requests it.[9] Although PNU cabinets do not use power, when the Exchange establishes a PNU cabinet, it allocates unused power capacity to it, depending on the User's requirements. The allocated power is kept in reserve for the PNU cabinet, and, upon the User's request, the PNU cabinet may be powered and used promptly.

If additional power or cabinets are needed, the Exchange may use established measures to convert PNU cabinets:

> [i]f reserved cabinet space becomes needed for use, the reserving User will have 30 business days to formally contract with the Exchange for full payment for the reserved cabinet space needed or the space will be reassigned.[10]

The Exchange proposes to provide additional detail regarding the conversion of PNU cabinets in the Proposed Procedures.

Proposed Procedures

Like the Existing Procedures, the Proposed Procedures would be set forth in General Notes 7 and 8. General Note 7 would be amended to provide that, if the amount of power or cabinets available fell below specified thresholds, Users would be subject to purchasing limits. General Note 7 would also specify when the purchasing limits would cease to apply. Consistent with the Existing Procedures, the amended General Note 7 would provide that if a User requests a number of Standard Cabinets and/or amount of Additional Power that would cause the unallocated power capacity to be below the specified power and cabinet thresholds, the purchasing limits would apply only to the portion of the User's order below the relevant threshold.[11]

The Exchange proposes that, if either the Cabinet Threshold or the Power Threshold, or if both the Cabinet Threshold and Power Threshold are reached, all Users with PNU cabinets would be required to either convert or relinquish them, consistent with the

[4] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2019. *See* Securities Exchange Act Release No. 87408 (October 28, 2019), 84 FR 58778 (November 1, 2019) (SR–NYSECHX–2019–27). The Exchange is an indirect subsidiary of Intercontinental Exchange, Inc. (''ICE''). Through its ICE Data Services (''IDS'') business, ICE operates a data center in Mahwah, New Jersey (the ''data center''), from which the Exchange provides co-location services to Users.

[5] For purposes of the Exchange's co-location services, a ''User'' means any market participant that requests to receive co-location services directly from the Exchange. *See id.,* at note 6. As specified in the Fee Schedule of NYSE Chicago, Inc. (''Fee Schedule''), a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., and NYSE National, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSE–2021–12, SR–NYSEAMER–2021–08, SR–NYSEArca–2021–11, and SR–NYSENAT–2021–03.

[6] *See* Securities Exchange Act Release No. 90732 (December 18, 2020), 85 FR 84443 (December 28, 2020) (SR–NYSE–2020–73, SR–NYSEAMER–2020–66, SR–NYSEArca–2020–82, SR–NYSECHX–2020–26, and SR–NYSENAT–2020–28) (Notice of Filings of Amendment No. 1 and Order Granting Approval of Proposed Rule Changes, Each as Modified by Amendment No. 1, Amending the Exchanges' Co-Location Services To Establish Procedures for the Allocation of Cabinets to Co-Located Users if Cabinet Inventory Falls Below Certain Thresholds).

[7] *See* 84 FR 58778, *supra* note 4, at 58781.

[8] *See Id.*

[9] *See Id.*

[10] Securities Exchange Act Release No. 62732 (August 16, 2010), 75 FR 51512 (August 20, 2010) (SR–NYSE–2010–56), at note 5. *See also* 84 FR 58778, supra note 4, at 58781. ''Reserved cabinet space'' is a PNU cabinet. *See* Securities Exchange Act Release No. 70913 (November 21, 2013), 78 FR 70987 (November 27, 2013) (SR–NYSE–2013–74).

[11] For example, if there was 365 kW unallocated power capacity in co-location and a User requested to purchase cabinets and Additional Power that would, together, total 55 kW, the purchasing limits in General Note 7 would not apply to the User's purchase of the first 15 kW, whether those kW were in the form of cabinets or Additional Power. Once the power threshold was reached, the combined limits would be activated, limiting the User's purchase of additional cabinets and Additional Power. In all, the User would be permitted to purchase a total of 47 kW out of its original order of 55 kW. The User could choose whether the 47 kW was in the form of cabinets, Additional Power, or both.

applicable provisions. Doing so would allow all cabinets and power to be available for active use. As a result, no User would be subject to limitations on its ability to purchase and use cabinets or power at the same time that PNU cabinets were dormant.

General Note 8 would be amended to provide that, if the amount of power or cabinets available fell to zero, Users seeking to purchase power or cabinets would be put on a waitlist. The waitlist provisions for power would be substantially similar to those for cabinets in the Existing Procedures.[12] In both General Notes 7 and 8, the Proposed Procedures would also state how the Existing Procedures regarding cabinets and the new procedures regarding power would relate to each other. In each case, the Proposed Procedures would state what the threshold amount of power and cabinets would be to discontinue the limits, which would allow the Exchange to return to offering PNU cabinets. Finally, in clarifying changes, the existing text of General Notes 7 and 8 would be amended to change ''Purchasing Limits'' to ''Cabinet Limits'' and ''waitlist'' to ''Cabinet Waitlist'' and to delete redundant text.

Proposed Amendments to General Note 7

The Exchange proposes to amend General Note 7 as follows (additions *italicized*, deletions in [brackets]):

7. Cabinet *and Power* Purchasing Limits. If *(i)* unallocated cabinet inventory is at or below 40 cabinets, whether or not such cabinets are configured to be subdivided into partial cabinets (''Cabinet Threshold''), *or (ii) the unallocated power capacity in co-location is at or below 350 kW (the ''Power Threshold'')*, the following limits on the purchase of new cabinets (''Purchasing Limits'') will apply:

a. Cabinet Limits. If only the Cabinet Threshold is reached, the following measures (the ''Cabinet Limits'') will apply:

- A*ll* Users with PNU cabinets will be required to either convert [its]*their* PNU cabinets into dedicated cabinets or relinquish [its]*their* PNU cabinets [before being permitted to purchase new cabinets]. *The Exchange will notify each User with a PNU cabinet that the User has 30 business days to decide whether to contract to convert the PNU cabinet to a dedicated cabinet. If the User does not contract to use the PNU cabinet as a dedicated cabinet within such time, the PNU cabinet will be relinquished.*
- [Once the Cabinet Threshold is reached, t]*T*he Exchange will limit each User's purchase of new cabinets (dedicated and partial) to a maximum of four dedicated cabinets. The maximum may be comprised of a mix of dedicated and partial cabinets, with two partial cabinets counting as one dedicated cabinet.
- If a User requests, in writing, a number of cabinets that, if provided, would cause the available cabinet inventory to be below 40 cabinets, the [Purchasing]*Cabinet* Limits will only apply to the portion of the User's order below the Cabinet Threshold.
- A User will have to wait 30 days from the date of its signed order form before purchasing new cabinets again.
- If the Cabinet Threshold is reached, the Exchange will cease offering *or providing* new PNU cabinets to all Users *and Users will not be permitted to convert a currently used dedicated cabinet to a PNU cabinet.*
- When unallocated cabinet inventory is more than 40 cabinets, the Exchange will discontinue the [Purchasing]*Cabinet* Limits.

b. Combined Limits. If only the Power Threshold is reached or both the Cabinet Threshold and the Power Threshold are reached, the following measures (the ''Combined Limits'') will apply:

- *All Users with PNU cabinets will be required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets. The Exchange will notify each User with a PNU cabinet that the User has 30 business days to decide whether to contract to convert the PNU cabinet to a dedicated cabinet. If the User does not contract to use the PNU cabinet as a dedicated cabinet within such time, the PNU cabinet will be relinquished.*
- *A User may purchase either or both of the following, so long as the combined power usage of such purchases is no more than a maximum of 32 kW:*

a. New cabinets (dedicated and partial), subject to a maximum of four dedicated cabinets with standard power allocations of 4 kW or 8 kW (''Standard Cabinets''). The purchase may be comprised of a mix of dedicated and partial cabinets, with two partial cabinets counting as one dedicated cabinet.

b. Additional power for new or existing cabinets.

- *If a User requests, in writing, a number of Standard Cabinets and/or an amount of additional power that, if provided, would cause the unallocated power capacity to be below the Power Threshold or Cabinet Threshold, the Combined Limits would apply only to the portion of the User's order below the relevant threshold.*
- *A User will have to wait 30 days from the date of its signed order form before purchasing new Standard Cabinets or additional power again.*
- *If the Power Threshold or Cabinet Threshold is reached, the Exchange will cease offering or providing new PNU cabinets to all Users and Users will not be permitted to convert a currently used dedicated cabinet to a PNU cabinet.*
- *When unallocated power capacity is above the Power Threshold, the Exchange will discontinue the Combined Limits. If at that time the unallocated cabinet inventory is 40 or fewer cabinets, the Cabinet Limits would enter into effect.*

c. Applicability. If the Cabinet Threshold is reached before the Power Threshold, the Cabinet Limits will be in effect until the Power Threshold is reached, after which the Combined Limits will apply.

Proposed Amendments to General Note 8

The Exchange proposes to amend General Note 8 as follows (additions *italicized*, deletions in [brackets]):

8. Cabinet *and Combined* Waitlists.

a. Cabinet Waitlist. Unless a Combined Waitlist is in effect, t[T]he Exchange will create a *cabinet* waitlist *(''Cabinet Waitlist'')* if the available cabinet inventory is zero, or a User requests, in writing, a number of cabinets that, if provided, would cause the available inventory to be zero. The Exchange will place Users seeking cabinets on a *Cabinet* [w]*W*aitlist, as follows:

- Users with PNU cabinets will ~~not~~ be *required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets in accordance with the measures set forth in General Note 7(a), above.* [placed on the waitlist if the User could meet its new cabinet request by converting its PNU cabinets to dedicated cabinets. A User will only be placed on the waitlist for the portion of its new cabinet request that exceeds its existing PNU cabinets, subject to the Purchasing Limitations.]
- A User will be placed on the *Cabinet* [w]*W*aitlist based on the date its signed order is received. A User may only have one order for new cabinets on the *Cabinet* [w]*W*aitlist at a time, and the order is subject to the [Purchasing]*Cabinet* Limits. *If a User changes the size of its order while it is on the Cabinet Waitlist, it will maintain its place on the Cabinet Waitlist, and will remain subject to the Cabinet Limits.*
- As cabinets become available, the Exchange will offer them to the User at the top of the *Cabinet* [w]*W*aitlist. If the User's order is completed, it will be removed from the *Cabinet* [w]*W*aitlist. If the User's order is not completed, it will remain at the top of the *Cabinet* [w]*W*aitlist.
- A User will be removed from the *Cabinet* [w]*W*aitlist (a) at the User's request or (b) if the User turns down an offer of a cabinet of the same size it requested in its order. If the Exchange offers the User a cabinet of a different size than the User requested in its order, the User may turn down the offer and remain at the top of the *Cabinet* [w]*W*aitlist until its order is completed.
- A User that is removed from the *Cabinet* [w]*W*aitlist but subsequently submits a new written order for cabinets will be added back to the bottom of the *Cabinet* [w]*W*aitlist.
- When unallocated cabinet inventory is more than 10 cabinets, the Exchange will cease use of the *Cabinet* [w]*W*aitlist.

b. Combined Waitlist. The Exchange would create a power and cabinet waitlist (''Combined Waitlist'') if the unallocated power capacity is zero, or if a User requests,

[12] Consistent with the Existing Procedures, the Proposed Procedures would provide that, as additional power and cabinets became available, the Exchange would offer it to the User at the top of the combined waitlist. Power may become available if, for example, (a) a User vacates a dedicated or partial cabinet or relinquishes Additional Power or (b) IDS builds additional capacity. Cabinets may become available if, for example, a User vacates a dedicated or partial cabinet.

in writing, an amount of power (whether power allocated to a Standard Cabinet or additional power) that, if provided, would cause the unallocated power capacity to be below zero. The Exchange would place Users seeking cabinets or power on the Combined Waitlist, as follows:

- *All Users with PNU cabinets will be required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets in accordance with the measures set forth in General Note 7(b), above.*
- *If a Cabinet Waitlist exists when the requirements to create a Combined Waitlist are met, the Cabinet Waitlist will automatically convert to the Combined Waitlist. If a Combined Waitlist exists when the requirements to create a Cabinet Waitlist are met, no new waitlist will be created, and the Combined Waitlist will continue in effect.*
- *A User will be placed on the Combined Waitlist based on the date its signed order for cabinets and/or additional power is received. A User may only have one order for new cabinets and/or additional power on the Combined Waitlist at a time, and the order would be subject to the Combined Limits. If a User changes the size of its order while it is on the Combined Waitlist, it will maintain its place on the Combined Waitlist, and will remain subject to the Combined Limits.*
- *As additional power and/or cabinets become available, the Exchange will offer them to the User at the top of the Combined Waitlist. If the User's order is completed, the order will be removed from the Combined Waitlist. If the User's order is not completed, it will remain at the top of the Combined Waitlist.*
- *A User will be removed from the Combined Waitlist (a) at the User's request; (b) if the User turns down an offer that is the same as its order (e.g., the offer includes cabinets of the same size and/or the amount of additional power that the User requested in its order). If the Exchange offers the User an offer that is different than its order, the User may turn down the offer and remain at the top of the Combined Waitlist until its order is completed.*
- *A User that is removed from the Combined Waitlist but subsequently submits a new written order for cabinets and/or additional power will be added back to the bottom of the waitlist.*
- *If the Combined Waitlist is in effect, when unallocated power capacity in co-location is at 100 kW, the Exchange will cease use of the waitlist. If at that time the unallocated cabinet inventory is 10 or fewer cabinets, the Cabinet Limits would enter into effect.*

The proposed change would apply the same way to all types and sizes of market participants. As is currently the case, the purchase of any colocation service is completely voluntary and the Fee Schedule is applied uniformly to all Users. The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[14] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. In addition, it is designed 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 mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Proposed Rule Change Is Reasonable and Equitable

The Exchange believes that the proposed rule change is reasonable and equitable for the following reasons.

The Exchange believes that User demand for power will continue. The Exchange is currently working to expand the amount of power and number of cabinets available in colocation. Nevertheless, the Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to establish the allocation of power and cabinets on an equitable basis, consistent with the Established Procedures. The Proposed Procedures would establish a rational, objective procedure that would be applied uniformly by the Exchange to all Users that requested new cabinets or Additional Power.

The Exchange believes that integrating the procedures for the allocation of power with the Existing Procedures would be reasonable, because cabinets are provided with power. Having both power and cabinets covered by the Proposed Procedures would ensure that the procedures for all relevant services are consistent and coordinated. Having the Proposed Procedures state what would occur if the Cabinet Threshold and Power Threshold are reached at different times, and how the Cabinet Waitlist and Combined Waitlist interrelate, is reasonable for the same reason.

The Exchange believes that following the Existing Procedures' two-tier structure of establishing, first, a purchasing limitation on order size, and second, a waitlist, would be a reasonable method to respond to increasing demand for power and cabinets in the future. The Exchange notes that the Existing Procedures are consistent with the Nasdaq procedures for allocating cabinets if its cabinet inventory shrinks to zero.[15] The Exchange believes that it is reasonable to amend the Existing Procedures to clarify what would occur if a User changes the size of its order while it is on the Cabinet Waitlist.

The Exchange believes that the proposed Power Threshold is reasonable and equitable. Based on experience, the Exchange believes that the Power Threshold of 350 kW is reasonable and appropriate because it is sufficiently low that it would not be triggered repeatedly, yet it offers a reasonable buffer during which the Combined Limits would apply before the Combined Waitlist would become effective.

The Exchange believes that the proposed Combined Limits are reasonable and equitable. Based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth.

Further, the Exchange believes that, by establishing a waitlist on the basis of the date it receives signed orders, limiting the size and number of orders a User may have on the waitlist at any one time, stating what happens if a User changes its order while on the waitlist, and removing a User from the waitlist if it turns down an offer that is the same as what it requested, the Combined Waitlist is largely consistent with the Existing Procedures and reasonably designed to prevent Users from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, thereby facilitating a more equitable distribution. Similarly, the Exchange believes that by requiring a 30-day delay before a User subject to the Combined Limits could purchase Standard Cabinets or Additional Power

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] *See* Securities Exchange Act Release No. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019).

again, the Proposed Procedure is reasonably designed to prevent a User from obtaining a greater portion of the power and cabinets available.

The Exchange believes that the proposed change is reasonable and equitable because the Exchange would only place limits on Users' ability to purchase Standard Cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. Similarly, the Exchange believes that the proposed change is reasonable and equitable because the Combined Waitlist would only be created if unallocated power capacity in co-location is zero, or if a User requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or Additional Power) that, if provided, would cause the unallocated power capacity to be below zero, and because there would be an established threshold for cessation of the Combined Waitlist.

The Exchange believes that it would be reasonable and equitable to require Users with PNU cabinets to either convert their PNU cabinets into dedicated cabinets or relinquish them if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would make the power reserved for PNU cabinets and the cabinets themselves available to meet User demand for power and cabinets. As a result, no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. The Exchange believes that the measure is therefore reasonably designed to prevent a User from reserving, but not using, power or cabinets at a time when other Users are subject to limitations, facilitating a more equitable distribution.

The Proposed Procedures would provide additional specificity to the existing PNU cabinet provision permitting conversion of PNU cabinets, by stating what the relevant thresholds would be, when the Exchange would require Users to decide whether to convert their PNU cabinets, and when PNU cabinets would be offered again, thereby increasing transparency and adding clarity.

The Exchange believes that the proposed change would be a reasonable method for the Exchange to accommodate demand for power and cabinets on an equitable basis, while allowing all Users that currently have a PNU cabinet to have a choice between converting their PNU cabinet to a dedicated cabinet or relinquishing it. The Exchange notes that Nasdaq's co-location customers that have a ''Cabinet Proximity Option'' have a similar choice if Nasdaq determines that the reserved data center space is needed for use.[16] Finally, the Exchange believes that it would be fair and equitable to require all Users with PNU cabinets to be subject to the same measures if the Cabinet Threshold or Power Threshold were met.

The Proposed Rule Change Would Protect Investors and the Public Interest

The Exchange believes that the proposed rule change would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest for the following reasons.

The Exchange believes that User demand for cabinets and power will continue. In this context, the proposed rule change would allow the Exchange to protect investors and the public interest, first, by setting limits on Users' ability to purchase power, and second, by using a waitlist to allocate any unallocated cabinets and power on a first come-first served rolling basis.

Based on experience, the Exchange believes that the Power Threshold is sufficiently low that it would not be triggered repeatedly, which would protect investors and the public interest. Similarly, based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth, which would protect investors and the public interest.

In addition, the Proposed Procedures would protect investors and the public interest in that they are designed to prevent Users from utilizing the Combined Limit and waitlist procedures to obtain a greater portion of the power and cabinets available, thereby facilitating a more equitable distribution.

The Exchange believes that it would protect investors and the public interest to require Users with PNU cabinets to either convert their PNU cabinets into dedicated cabinets or relinquish them if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would mean that no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. The Exchange believes that the measure is therefore reasonably designed to prevent a User from reserving but not using power or cabinets at a time when other Users are subject to limitations.

The proposed rule change would protect investors and the public interest because the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Fee Schedule more transparent and reduce any potential ambiguity.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes that the proposed change is not unfairly discriminatory for the following reasons.

The proposed change would apply equally to all types and sizes of market participants. If the Proposed Procedures were in place, all Users would be able to identify the permitted cabinet and power options and the procedures that would apply to them in the event that unallocated cabinet or power supply runs low in the future. All Users with PNU cabinets would be subject to the same measures if the Cabinet Threshold or Power Threshold were met. The Proposed Procedures would assist the Exchange in accommodating demand for co-location services, and power and cabinets in particular, on an equitable basis.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[17] the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[16] Co-location customers may either contract with Nasdaq for full payment or have the cabinet reassigned. Securities Exchange Act Release No. 62354 (June 22, 2010), 75 FR 38860 (July 6, 2010) (SR–Nasdaq–2010–019).

[17] 15 U.S.C. 78f(b)(8).

Intramarket Competition

The Exchange does not believe that the proposed change would place any burden on intramarket competition that is not necessary or appropriate. The proposed change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally.

The Exchange believes that, if triggered, the imposition of the Combined Limits or Combined Waitlist would not impose a burden on a User's ability to compete that is not necessary or appropriate. The Exchange believes that User demand for power will continue in the future, and the Exchange is presently working to expand the amount of power and number of cabinets available in colocation. In this context, the Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to expand on the Existing Procedures and establish a method for allocating not just cabinets but also power on an equitable basis.

The Exchange would only follow the Proposed Procedures and place limits on Users' ability to purchase new power and cabinets if either or both the proposed Power Threshold and existing Cabinet Threshold were met, as specified in the proposed General Notes. Similarly, the Exchange would only create the Proposed Waitlist if the unallocated power capacity is zero, or if a User requests, in writing, an amount of power that, if provided, would cause the unallocated power capacity to be below zero. Based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth.

The Exchange believes that the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how power and cabinets would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Fee Schedule more transparent and reduce any potential ambiguity.

The Exchange believes that it would not impose a burden on a User's ability to compete that is not necessary or appropriate to require Users with PNU cabinets to either convert or relinquish their PNU cabinets if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would make the power reserved for PNU cabinets and the cabinets themselves available to meet User demand for power and cabinets. As a result, no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. A User does not require a PNU cabinet to trade on the Exchange, and whether or not a User has a PNU cabinet has no effect on such User's orders going to, or trade data coming from, the Exchange, or the User's ability to utilize other co-location services. Rather, the proposed change would assist the Exchange in accommodating demand for co-location services on an equitable basis.

Use of any co-location service is completely voluntary, and each market participant is able to determine whether to use co-location services based on the requirements of its business operations.

Intermarket Competition

The Exchange does not believe that the proposed change would impose any burden on intermarket competition that is not necessary or appropriate.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of, and other business from, such market participants.

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.'' [18]

The proposed rule change would protect investors and the public interest because the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Fee Schedule more transparent and reduce any potential ambiguity.

For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or *up to 90 days* (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSECHX–2021–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSECHX–2021–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the

[18] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

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–NYSECHX–2021–02 and should be submitted on or before March 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03721 Filed 2–23–21; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91158; File No. SR–NYSENAT–2021–03]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing of Proposed Rule Change To Establish Procedures for the Allocation of Power to Its Co-Located Users

February 18, 2021.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 4, 2021, NYSE National, Inc. (''NYSE National'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to establish procedures for the allocation of power to its co-located Users. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to establish procedures for the allocation of power to its co-located[4] Users.[5]

Recently, the Exchange added procedures for the allocation of cabinets (''Existing Procedures'')[6] in colocation should it become needed, which procedures are not currently being used. In addition, Users have had an unprecedented demand for power, largely driven by the demands caused by volatile market conditions related to the COVID–19 pandemic and higher than usual trading volumes. The Exchange is currently working to expand the amount of power and number of cabinets available in colocation. To complement the procedures for allocation of colocation cabinets, the Exchange believes it would be prudent to have procedures in place for the allocation of power, should such allocation be necessary. The Exchange accordingly proposes to expand the Existing Procedures to incorporate procedures for the allocation of power (''Proposed Procedures'').

Background

Users currently have two options for purchasing power. First, a User may purchase a new dedicated or partial cabinet, which comes with power. The User pays an initial fee and a monthly fee based on the number of kilowatts (''kW'') contracted for the cabinet. The dedicated cabinets have a standard power allocation of either 4 kW or 8 kW (the ''Standard Cabinet Power''). Partial cabinets are available in increments of eight-rack units of space, and each eight-rack unit may be allocated 1 or 2 kW. The Exchange allocates cabinets on a first-come/first-serve basis.

Second, a User may request power upgrades to dedicated cabinets in addition to the Standard Cabinet Power.[7] Users may request that such additional power (''Additional Power'') be allocated to a cabinet when it is first set up or later. A User with a dedicated cabinet, for example, may develop its infrastructure in a manner that allows it to expand the hardware within that cabinet by adding Additional Power. Because it could add Additional Power to its existing cabinet, the User would not need an additional cabinet. Adding Additional Power may entail overhauling wiring, circuitry and hardware for the dedicated cabinet so that it can handle the increased power.[8]

The Exchange also offers cabinets that do not have power: Cabinets for which power is not utilized (''PNU cabinets'').

[4] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2018. *See* Securities Exchange Act Release No. 83351 (May 31, 2018), 83 FR 26314 (June 6, 2018) (SR–NYSENAT–2018–07). The Exchange is an indirect subsidiary of Intercontinental Exchange, Inc. (''ICE''). Through its ICE Data Services (''IDS'') business, ICE operates a data center in Mahwah, New Jersey (the ''data center''), from which the Exchange provides co-location services to Users.

[5] For purposes of the Exchange's co-location services, a ''User'' means any market participant that requests to receive co-location services directly from the Exchange. *See id.,* at note 9. As specified in the Exchange's Price List, a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., and NYSE Chicago, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSE–2021–12, SR–NYSEAMER–2021–08, SR–NYSEArca–2021–11, and SR–NYSECHX–2021–02.

[6] *See* Securities Exchange Act Release No. 90732 (December 18, 2020), 85 FR 84443 (December 28, 2020) (SR–NYSE–2020–73, SR–NYSEAMER–2020–66, SR–NYSEArca–2020–82, SR–NYSECHX–2020–26, and SR–NYSENAT–2020–28) (Notice of Filings of Amendment No. 1 and Order Granting Approval of Proposed Rule Changes, Each as Modified by Amendment No. 1, Amending the Exchanges' Co-Location Services To Establish Procedures for the Allocation of Cabinets to Co-Located Users if Cabinet Inventory Falls Below Certain Thresholds).

[7] *See* 83 FR 26314, *supra* note 4, at 26316.

[8] *See id.*

PNU cabinets are reserved cabinet space that are not active, and that can be converted to a powered, dedicated cabinet when the User requests it.[9] Although PNU cabinets do not use power, when the Exchange establishes a PNU cabinet, it allocates unused power capacity to it, depending on the User's requirements. The allocated power is kept in reserve for the PNU cabinet, and, upon the User's request, the PNU cabinet may be powered and used promptly.

If additional power or cabinets are needed, the Exchange may use established measures to convert PNU cabinets:

> [i]f reserved cabinet space becomes needed for use, the reserving User will have 30 business days to formally contract with the Exchange for full payment for the reserved cabinet space needed or the space will be reassigned.[10]

The Exchange proposes to provide additional detail regarding the conversion of PNU cabinets in the Proposed Procedures.

Proposed Procedures

Like the Existing Procedures, the Proposed Procedures would be set forth in General Notes 7 and 8. General Note 7 would be amended to provide that, if the amount of power or cabinets available fell below specified thresholds, Users would be subject to purchasing limits. General Note 7 would also specify when the purchasing limits would cease to apply. Consistent with the Existing Procedures, the amended General Note 7 would provide that if a User requests a number of Standard Cabinets and/or amount of Additional Power that would cause the unallocated power capacity to be below the specified power and cabinet thresholds, the purchasing limits would apply only to the portion of the User's order below the relevant threshold.[11]

The Exchange proposes that, if either the Cabinet Threshold or the Power Threshold, or if both the Cabinet Threshold and Power Threshold are reached, all Users with PNU cabinets would be required to either convert or relinquish them, consistent with the applicable provisions. Doing so would allow all cabinets and power to be available for active use. As a result, no User would be subject to limitations on its ability to purchase and use cabinets or power at the same time that PNU cabinets were dormant.

General Note 8 would be amended to provide that, if the amount of power or cabinets available fell to zero, Users seeking to purchase power or cabinets would be put on a waitlist. The waitlist provisions for power would be substantially similar to those for cabinets in the Existing Procedures.[12] In both General Notes 7 and 8, the Proposed Procedures would also state how the Existing Procedures regarding cabinets and the new procedures regarding power would relate to each other. In each case, the Proposed Procedures would state what the threshold amount of power and cabinets would be to discontinue the limits, which would allow the Exchange to return to offering PNU cabinets. Finally, in clarifying changes, the existing text of General Notes 7 and 8 would be amended to change ''Purchasing Limits'' to ''Cabinet Limits'' and ''waitlist'' to ''Cabinet Waitlist'' and to delete redundant text.

Proposed Amendments to General Note 7

The Exchange proposes to amend General Note 7 as follows (additions *italicized,* deletions in [brackets]):

> 7. Cabinet *and Power* Purchasing Limits. If *(i)* unallocated cabinet inventory is at or below 40 cabinets, whether or not such cabinets are configured to be subdivided into partial cabinets (''Cabinet Threshold''), *or (ii) the unallocated power capacity in co-location is at or below 350 kW (the ''Power Threshold''),* the following limits on the purchase of new cabinets (''Purchasing Limits'') will apply:
>
> *a. Cabinet Limits. If only the Cabinet Threshold is reached, the following measures (the ''Cabinet Limits'') will apply:*
>
> • A*ll* User*s* with PNU cabinets will be required to either convert [its]*their* PNU cabinets into dedicated cabinets or relinquish [its]*their* PNU cabinets [before being permitted to purchase new cabinets]. *The Exchange will notify each User with a PNU cabinet that the User has 30 business days to decide whether to contract to convert the PNU cabinet to a dedicated cabinet. If the User does not contract to use the PNU cabinet as a dedicated cabinet within such time, the PNU cabinet will be relinquished.*
>
> • [Once the Cabinet Threshold is reached, t]*T*he Exchange will limit each User's purchase of new cabinets (dedicated and partial) to a maximum of four dedicated cabinets. The maximum may be comprised of a mix of dedicated and partial cabinets, with two partial cabinets counting as one dedicated cabinet.
>
> • If a User requests, in writing, a number of cabinets that, if provided, would cause the available cabinet inventory to be below 40 cabinets, the [Purchasing]*Cabinet* Limits will only apply to the portion of the User's order below the Cabinet Threshold.
>
> • A User will have to wait 30 days from the date of its signed order form before purchasing new cabinets again.
>
> • If the Cabinet Threshold is reached, the Exchange will cease offering *or providing* new PNU cabinets to all Users *and Users will not be permitted to convert a currently used dedicated cabinet to a PNU cabinet.*
>
> • When unallocated cabinet inventory is more than 40 cabinets, the Exchange will discontinue the [Purchasing]*Cabinet* Limits.
>
> *b. Combined Limits. If only the Power Threshold is reached or both the Cabinet Threshold and the Power Threshold are reached, the following measures (the ''Combined Limits'') will apply:*
>
> • *All Users with PNU cabinets will be required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets. The Exchange will notify each User with a PNU cabinet that the User has 30 business days to decide whether to contract to convert the PNU cabinet to a dedicated cabinet. If the User does not contract to use the PNU cabinet as a dedicated cabinet within such time, the PNU cabinet will be relinquished.*
>
> • *A User may purchase either or both of the following, so long as the combined power usage of such purchases is no more than a maximum of 32 kW:*
>
> *a. New cabinets (dedicated and partial), subject to a maximum of four dedicated cabinets with standard power allocations of 4 kW or 8 kW (''Standard Cabinets''). The purchase may be comprised of a mix of dedicated and partial cabinets, with two partial cabinets counting as one dedicated cabinet.*
>
> *b. Additional power for new or existing cabinets.*
>
> • *If a User requests, in writing, a number of Standard Cabinets and/or an amount of additional power that, if provided, would cause the unallocated power capacity to be below the Power Threshold or Cabinet Threshold, the Combined Limits would apply only to the portion of the User's order below the relevant threshold.*
>
> • *A User will have to wait 30 days from the date of its signed order form before purchasing new Standard Cabinets or additional power again.*

[9] *See id.*

[10] Securities Exchange Act Release No. 62732 (August 16, 2010), 75 FR 51512 (August 20, 2010) (SR–NYSE–2010–56), at note 5. *See* 83 FR 26314, *supra* note 4, at 26316. ''Reserved cabinet space'' is a PNU cabinet. *See* Securities Exchange Act Release No. 70913 (November 21, 2013), 78 FR 70987 (November 27, 2013) (SR–NYSE–2013–74).

[11] For example, if there was 365 kW unallocated power capacity in co-location and a User requested to purchase cabinets and Additional Power that would, together, total 55 kW, the purchasing limits in General Note 7 would not apply to the User's purchase of the first 15 kW, whether those kW were in the form of cabinets or Additional Power. Once the power threshold was reached, the combined limits would be activated, limiting the User's purchase of additional cabinets and Additional Power. In all, the User would be permitted to purchase a total of 47 kW out of its original order of 55 kW. The User could choose whether the 47 kW was in the form of cabinets, Additional Power, or both.

[12] Consistent with the Existing Procedures, the Proposed Procedures would provide that, as additional power and cabinets became available, the Exchange would offer it to the User at the top of the combined waitlist. Power may become available if, for example, (a) a User vacates a dedicated or partial cabinet or relinquishes Additional Power or (b) IDS builds additional capacity. Cabinets may become available if, for example, a User vacates a dedicated or partial cabinet.

• *If the Power Threshold or Cabinet Threshold is reached, the Exchange will cease offering or providing new PNU cabinets to all Users and Users will not be permitted to convert a currently used dedicated cabinet to a PNU cabinet.*

• *When unallocated power capacity is above the Power Threshold, the Exchange will discontinue the Combined Limits. If at that time the unallocated cabinet inventory is 40 or fewer cabinets, the Cabinet Limits would enter into effect.*

c. Applicability. If the Cabinet Threshold is reached before the Power Threshold, the Cabinet Limits will be in effect until the Power Threshold is reached, after which the Combined Limits will apply.

Proposed Amendments to General Note 8

The Exchange proposes to amend General Note 8 as follows (additions *italicized,* deletions in [brackets]):

8. Cabinet *and Combined* Waitlists.

a. Cabinet Waitlist. Unless a Combined Waitlist is in effect, t[T]he Exchange will create a *cabinet* waitlist *(''Cabinet Waitlist'')* if the available cabinet inventory is zero, or a User requests, in writing, a number of cabinets that, if provided, would cause the available inventory to be zero. The Exchange will place Users seeking cabinets on a *Cabinet* [w]*W*aitlist, as follows:

• Users with PNU cabinets will ~~not~~ be *required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets in accordance with the measures set forth in General Note 7(a), above.* [placed on the waitlist if the User could meet its new cabinet request by converting its PNU cabinets to dedicated cabinets. A User will only be placed on the waitlist for the portion of its new cabinet request that exceeds its existing PNU cabinets, subject to the Purchasing Limitations.]

• A User will be placed on the *Cabinet* [w]*W*aitlist based on the date its signed order is received. A User may only have one order for new cabinets on the *Cabinet* [w]*W*aitlist at a time, and the order is subject to the [Purchasing]*Cabinet* Limits. *If a User changes the size of its order while it is on the Cabinet Waitlist, it will maintain its place on the Cabinet Waitlist, and will remain subject to the Cabinet Limits.*

• As cabinets become available, the Exchange will offer them to the User at the top of the *Cabinet* [w]*W*aitlist. If the User's order is completed, it will be removed from the *Cabinet* [w]*W*aitlist. If the User's order is not completed, it will remain at the top of the *Cabinet* [w]*W*aitlist.

• A User will be removed from the *Cabinet* [w]*W*aitlist (a) at the User's request or (b) if the User turns down an offer of a cabinet of the same size it requested in its order. If the Exchange offers the User a cabinet of a different size than the User requested in its order, the User may turn down the offer and remain at the top of the *Cabinet* [w]*W*aitlist until its order is completed.

• A User that is removed from the *Cabinet* [w]*W*aitlist but subsequently submits a new written order for cabinets will be added back to the bottom of the *Cabinet* [w]*W*aitlist.

• When unallocated cabinet inventory is more than 10 cabinets, the Exchange will cease use of the *Cabinet* [w]*W*aitlist.

b. *Combined Waitlist. The Exchange would create a power and cabinet waitlist (''Combined Waitlist'') if the unallocated power capacity is zero, or if a User requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or additional power) that, if provided, would cause the unallocated power capacity to be below zero. The Exchange would place Users seeking cabinets or power on the Combined Waitlist, as follows:*

• *All Users with PNU cabinets will be required to either convert their PNU cabinets into dedicated cabinets or relinquish their PNU cabinets in accordance with the measures set forth in General Note 7(b), above.*

• *If a Cabinet Waitlist exists when the requirements to create a Combined Waitlist are met, the Cabinet Waitlist will automatically convert to the Combined Waitlist. If a Combined Waitlist exists when the requirements to create a Cabinet Waitlist are met, no new waitlist will be created, and the Combined Waitlist will continue in effect.*

• *A User will be placed on the Combined Waitlist based on the date its signed order for cabinets and/or additional power is received. A User may only have one order for new cabinets and/or additional power on the Combined Waitlist at a time, and the order would be subject to the Combined Limits. If a User changes the size of its order while it is on the Combined Waitlist, it will maintain its place on the Combined Waitlist, and will remain subject to the Combined Limits.*

• *As additional power and/or cabinets become available, the Exchange will offer them to the User at the top of the Combined Waitlist. If the User's order is completed, the order will be removed from the Combined Waitlist. If the User's order is not completed, it will remain at the top of the Combined Waitlist.*

• *A User will be removed from the Combined Waitlist (a) at the User's request; (b) if the User turns down an offer that is the same as its order (e.g., the offer includes cabinets of the same size and/or the amount of additional power that the User requested in its order). If the Exchange offers the User an offer that is different than its order, the User may turn down the offer and remain at the top of the Combined Waitlist until its order is completed.*

• *A User that is removed from the Combined Waitlist but subsequently submits a new written order for cabinets and/or additional power will be added back to the bottom of the waitlist.*

• *If the Combined Waitlist is in effect, when unallocated power capacity in co-location is at 100 kW, the Exchange will cease use of the waitlist. If at that time the unallocated cabinet inventory is 10 or fewer cabinets, the Cabinet Limits would enter into effect.*

The proposed change would apply the same way to all types and sizes of market participants. As is currently the case, the purchase of any colocation service is completely voluntary and the Price List is applied uniformly to all Users. The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[14] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. In addition, it is designed 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 mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Proposed Rule Change Is Reasonable and Equitable

The Exchange believes that the proposed rule change is reasonable and equitable for the following reasons.

The Exchange believes that User demand for power will continue. The Exchange is currently working to expand the amount of power and number of cabinets available in colocation. Nevertheless, the Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to establish the allocation of power and cabinets on an equitable basis, consistent with the Established Procedures. The Proposed Procedures would establish a rational, objective procedure that would be applied uniformly by the Exchange to all Users that requested new cabinets or Additional Power.

The Exchange believes that integrating the procedures for the allocation of power with the Existing Procedures would be reasonable, because cabinets are provided with power. Having both power and cabinets covered by the Proposed Procedures would ensure that the procedures for all

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

relevant services are consistent and coordinated. Having the Proposed Procedures state what would occur if the Cabinet Threshold and Power Threshold are reached at different times, and how the Cabinet Waitlist and Combined Waitlist interrelate, is reasonable for the same reason.

The Exchange believes that following the Existing Procedures' two-tier structure of establishing, first, a purchasing limitation on order size, and second, a waitlist, would be a reasonable method to respond to increasing demand for power and cabinets in the future. The Exchange notes that the Existing Procedures are consistent with the Nasdaq procedures for allocating cabinets if its cabinet inventory shrinks to zero.[15] The Exchange believes that it is reasonable to amend the Existing Procedures to clarify what would occur if a User changes the size of its order while it is on the Cabinet Waitlist.

The Exchange believes that the proposed Power Threshold is reasonable and equitable. Based on experience, the Exchange believes that the Power Threshold of 350 kW is reasonable and appropriate because it is sufficiently low that it would not be triggered repeatedly, yet it offers a reasonable buffer during which the Combined Limits would apply before the Combined Waitlist would become effective.

The Exchange believes that the proposed Combined Limits are reasonable and equitable. Based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth.

Further, the Exchange believes that, by establishing a waitlist on the basis of the date it receives signed orders, limiting the size and number of orders a User may have on the waitlist at any one time, stating what happens if a User changes its order while on the waitlist, and removing a User from the waitlist if it turns down an offer that is the same as what it requested, the Combined Waitlist is largely consistent with the Existing Procedures and reasonably designed to prevent Users from utilizing the waitlist as a method to obtain a greater portion of the power and cabinets available, thereby facilitating a more equitable distribution. Similarly, the Exchange believes that by requiring a 30-day delay before a User subject to the Combined Limits could purchase Standard Cabinets or Additional Power again, the Proposed Procedure is reasonably designed to prevent a User from obtaining a greater portion of the power and cabinets available.

The Exchange believes that the proposed change is reasonable and equitable because the Exchange would only place limits on Users' ability to purchase Standard Cabinets or Additional Power if either or both the Power Threshold and Cabinet Threshold are reached. Similarly, the Exchange believes that the proposed change is reasonable and equitable because the Combined Waitlist would only be created if unallocated power capacity in co-location is zero, or if a User requests, in writing, an amount of power (whether power allocated to a Standard Cabinet or Additional Power) that, if provided, would cause the unallocated power capacity to be below zero, and because there would be an established threshold for cessation of the Combined Waitlist.

The Exchange believes that it would be reasonable and equitable to require Users with PNU cabinets to either convert their PNU cabinets into dedicated cabinets or relinquish them if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would make the power reserved for PNU cabinets and the cabinets themselves available to meet User demand for power and cabinets. As a result, no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. The Exchange believes that the measure is therefore reasonably designed to prevent a User from reserving, but not using, power or cabinets at a time when other Users are subject to limitations, facilitating a more equitable distribution.

The Proposed Procedures would provide additional specificity to the existing PNU cabinet provision permitting conversion of PNU cabinets, by stating what the relevant thresholds would be, when the Exchange would require Users to decide whether to convert their PNU cabinets, and when PNU cabinets would be offered again, thereby increasing transparency and adding clarity.

The Exchange believes that the proposed change would be a reasonable method for the Exchange to accommodate demand for power and cabinets on an equitable basis, while allowing all Users that currently have a PNU cabinet to have a choice between converting their PNU cabinet to a dedicated cabinet or relinquishing it. The Exchange notes that Nasdaq's co-location customers that have a ''Cabinet Proximity Option'' have a similar choice if Nasdaq determines that the reserved data center space is needed for use.[16] Finally, the Exchange believes that it would be fair and equitable to require all Users with PNU cabinets to be subject to the same measures if the Cabinet Threshold or Power Threshold were met.

The Proposed Rule Change Would Protect Investors and the Public Interest

The Exchange believes that the proposed rule change would perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest for the following reasons.

The Exchange believes that User demand for cabinets and power will continue. In this context, the proposed rule change would allow the Exchange to protect investors and the public interest, first, by setting limits on Users' ability to purchase power, and second, by using a waitlist to allocate any unallocated cabinets and power on a first come-first served rolling basis.

Based on experience, the Exchange believes that the Power Threshold is sufficiently low that it would not be triggered repeatedly, which would protect investors and the public interest. Similarly, based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth, which would protect investors and the public interest.

In addition, the Proposed Procedures would protect investors and the public interest in that they are designed to prevent Users from utilizing the Combined Limit and waitlist procedures to obtain a greater portion of the power and cabinets available, thereby facilitating a more equitable distribution.

The Exchange believes that it would protect investors and the public interest to require Users with PNU cabinets to either convert their PNU cabinets into

[15] *See* Securities Exchange Act Release No. 62397 (June 28, 2010), 75 FR 38860 (July 6, 2010) (SR–NASDAQ–2010–019).

[16] Co-location customers may either contract with Nasdaq for full payment or have the cabinet reassigned. Securities Exchange Act Release No. 62354 (June 22, 2010), 75 FR 38860 (July 6, 2010) (SR–Nasdaq–2010–019).

dedicated cabinets or relinquish them if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would mean that no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. The Exchange believes that the measure is therefore reasonably designed to prevent a User from reserving but not using power or cabinets at a time when other Users are subject to limitations.

The proposed rule change would protect investors and the public interest because the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List more transparent and reduce any potential ambiguity.

The Proposed Change is Not Unfairly Discriminatory

The Exchange believes that the proposed change is not unfairly discriminatory for the following reasons.

The proposed change would apply equally to all types and sizes of market participants. If the Proposed Procedures were in place, all Users would be able to identify the permitted cabinet and power options and the procedures that would apply to them in the event that unallocated cabinet or power supply runs low in the future. All Users with PNU cabinets would be subject to the same measures if the Cabinet Threshold or Power Threshold were met. The Proposed Procedures would assist the Exchange in accommodating demand for co-location services, and power and cabinets in particular, on an equitable basis.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[17] the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that the proposed change would place any burden on intramarket competition that is not necessary or appropriate. The proposed change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally.

The Exchange believes that, if triggered, the imposition of the Combined Limits or Combined Waitlist would not impose a burden on a User's ability to compete that is not necessary or appropriate. The Exchange believes that User demand for power will continue in the future, and the Exchange is presently working to expand the amount of power and number of cabinets available in colocation. In this context, the Exchange believes that it would be reasonable for it to put in place the Proposed Procedures to expand on the Existing Procedures and establish a method for allocating not just cabinets but also power on an equitable basis.

The Exchange would only follow the Proposed Procedures and place limits on Users' ability to purchase new power and cabinets if either or both the proposed Power Threshold and existing Cabinet Threshold were met, as specified in the proposed General Notes. Similarly, the Exchange would only create the Proposed Waitlist if the unallocated power capacity is zero, or if a User requests, in writing, an amount of power that, if provided, would cause the unallocated power capacity to be below zero. Based on its experience with co-location and purchasing trends over the last few years, the Exchange believes that in most cases the amount of power that a User would be allowed to buy under the proposed Combined Limits, whether in the form of cabinets or Additional Power, would be sufficient for a User's needs while leaving a margin for potential growth.

The Exchange believes that the proposed revised General Notes would articulate rational, objective procedures consistent with the Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how power and cabinets would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List more transparent and reduce any potential ambiguity.

The Exchange believes that it would not impose a burden on a User's ability to compete that is not necessary or appropriate to require Users with PNU cabinets to either convert or relinquish their PNU cabinets if either or both the Cabinet Threshold and Power Threshold are reached. Doing so would make the power reserved for PNU cabinets and the cabinets themselves available to meet User demand for power and cabinets. As a result, no User would be subject to limitations on its ability to purchase and use power or cabinets at the same time that PNU cabinets were dormant. A User does not require a PNU cabinet to trade on the Exchange, and whether or not a User has a PNU cabinet has no effect on such User's orders going to, or trade data coming from, the Exchange, or the User's ability to utilize other co-location services. Rather, the proposed change would assist the Exchange in accommodating demand for co-location services on an equitable basis.

Use of any co-location service is completely voluntary, and each market participant is able to determine whether to use co-location services based on the requirements of its business operations.

Intermarket Competition

The Exchange does not believe that the proposed change would impose any burden on intermarket competition that is not necessary or appropriate.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of, and other business from, such market participants.

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.'' [18]

The proposed rule change would protect investors and the public interest because the proposed revised General Notes would articulate rational, objective procedures consistent with the

[17] 15 U.S.C. 78f(b)(8).

[18] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

Existing Procedures and PNU cabinet provisions, and would serve to reduce any potential for confusion on how cabinets and power would be allocated if a shortage in one or the other were to arise in the future, and would thereby make the Price List more transparent and reduce any potential ambiguity.

For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSENAT–2021–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSENAT–2021–03. 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–NYSENAT–2021–03 and should be submitted on or before March 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03718 Filed 2–23–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91151; File No. SR–CboeBZX–2021–016]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule

February 18, 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 10, 2021, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, 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 BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') 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/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule applicable to its equities trading platform (''BZX Equities'') to expand the Lead Market Maker (''LMM'') Pricing provided under footnote 14 to include new paragraph (B) entitled ''LMM Add Liquidity Rebate.'' Specifically, the Exchange is proposing a new rebate for LMMs in higher volume BZX-listed securities that is designed to allow an LMM to opt-in to a more traditional LMM incentive than the Exchange's current LMM pricing model. As proposed, the LMM Add Liquidity Rebate would provide an enhanced per share rebate for those BZX-listed securities that meet certain volume thresholds, for which the LMM opts for the security to be included in the LMM Add Liquidity Rebate, and for which the security is a Qualified Security.[3] The proposed rebate is

[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As provided in the Fee Schedule, a ''Qualified Security'' refers to a BZX-listed security for which

designed to create a more comprehensive liquidity provision program to incentivize LMMs to provide enhanced market quality across all BZX-listed securities, including in higher volume securities where transaction-based incentives may better incentivize liquidity provision than current programs.[4]

The Exchange also proposes to re-letter existing paragraphs (B) and (C) based on the new proposed paragraph, make a ministerial change to the definition of ''Qualified LMM'' in the Fee Schedule, and eliminate the Market Depth Tier provided under footnote 1 of the Fee Schedule.

The Exchange currently offers LMM Liquidity Provision Rates which provide LMMs daily incentives that are based on whether the LMM meets certain performance based criteria (*i.e.,* the applicable Minimum Performance Standard[5]).[6] Specifically, the Exchange provides each LMM with a daily incentive based on how many Qualified Securities or Enhanced Securities[7] the LMM has and the average aggregate daily auction volume in the BZX-listed securities for which it is an LMM (''LMM Securities''). The LMM Liquidity Provision Rates were implemented to incentivize LMMs to meet the Minimum Performance Standards across all of their LMM Securities, especially for newly listed and other lower volume securities.

Now, the Exchange is proposing to offer an opt-in LMM Add Liquidity Rebate of $0.0039 per share to an LMM[8] that elects to participate in the program for a particular Qualified Security. As proposed, an LMM that opts to participate in the LMM Add Liquidity Rebate for a particular LMM Security would not receive the otherwise applicable Liquidity Provision Rate that it would receive under the program today. In order to be eligible for the proposed rebate, the LMM Security must first have a consolidated average daily volume (''CADV'')[9] of at least 1,000,000 shares (the ''CADV Requirement'').[10] Specifically, an LMM may opt in to the program for the next calendar month if an LMM Security has a CADV of at least 1,000,000 shares during the prior month. For example, if an LMM Security has a CADV of at least 1,000,000 shares for the month of December 2020, the LMM may opt in to the LMM Add Liquidity Rebate for that security during January 2021, which would apply to its trading in the LMM Security for the month of February 2021. If the LMM Security does not meet the CADV Requirement for a given month, the LMM Security will be automatically un-enrolled from the LMM Add Liquidity Rebate. Like the LMM Liquidity Provision Rates, the LMM must meet the Minimum Performance Standards applicable to Qualified Securities.

For example, assume an LMM opts in to the proposed program for the month of February 2021 in symbol ABCD. If the LMM meets the Minimum Performance Standards for a given trading day, the MPID would receive a rebate per share of $0.0039 in symbol ABCD instead of the rebate normally applied to the Member's trading in the symbol, which could range from $0.0020 to $0.0033 per share. On any trading day in which the LMM does not meet the Minimum Performance Standards in symbol ABCD, the MPID would receive the rebate normally applied to the Member's trading in the symbol. While opting in to the LMM Add Liquidity Rebate would preclude the LMM from receiving the LMM Liquidity Provision Rates for the elected LMM Security, it would not preclude an LMM from achieving other incentives (*e.g.,* LMM Add Volume Tiers).

As discussed above, the LMM Add Liquidity Rebate would be available on a symbol-by-symbol basis for LMM Securities meeting the CADV Requirement. For any security that the LMM does not opt in to the LMM Add Liquidity Rebate, the LMM will continue to participate in the Liquidity Provision Rates by default. An LMM may opt in to the LMM Add Liquidity Rebate program instead of the default LMM Liquidity Provision Rates program for a given LMM Security for the following calendar month. By default, an LMM will be subject to the LMM Liquidity Provision Rates unless it opts in to the LMM Add Liquidity Rebate. Specifically, if an LMM Security is eligible for the LMM Add Liquidity Rebate (*i.e.,* meets the CADV Requirement), an LMM will be able to enroll the LMM Security in the program via the Exchange's ETP Portal. LMM Securities that do not meet the CADV Requirement will be ineligible for the program and will not be available for selection in the ETP Portal. Further, LMM elections will remain the same as the prior month unless changed by the LMM or the LMM Security fails to meet the CADV Requirement.[11]

In addition to the above, the Exchange proposes three additional modifications to the Fee Schedule. First, the Exchange proposes to re-letter existing paragraphs (B) and (C) under footnote 14 based on the proposed amendment to add a new

the applicable LMM is a Qualified LMM. ''Qualified LMM'' means an LMM that meets the Minimum Performance Standards.

[4] The Exchange initially filed the proposed fee changes February 1, 2021 (SR–CboeBZX–2021–015). On February 10, 2021, the Exchange withdrew that filing and submitted this proposal.

[5] As defined in Rule 11.8(e)(1)(E), the term ''Minimum Performance Standards'' means a set of standards applicable to an LMM that may be determined from time to time by the Exchange. Such standards will vary between LMM Securities depending on the price, liquidity, and volatility of the LMM Security in which the LMM is registered. The performance measurements will include: (A) Percent of time at the NBBO; (B) percent of executions better than the NBBO; (C) average displayed size; and (D) average quoted spread. The Fee Schedule currently references Rule 11.8(e)(1)(D) rather than 11.8(e)(1)(E), and as discussed herein, the Exchange is proposing to amend the Fee Schedule to reference Rule 11.8(e)(1)(E).

[6] The current Minimum Performance Standards include: (i) Registration as a market maker in good standing with the Exchange; (ii) time at the inside requirements (generally between 3% and 15% of Regular Trading Hours for Qualified Securities and between 5% to 50% for Enhanced Securities, depending on the average daily volume of the applicable LMM Security); (iii) auction participation requirements (generally requiring that the auction price is between 3% and 5% of the last Reference Price, as defined in Rule 11.23(a)(19), for a Qualified Security and 1%–3% for an Enhanced Security (the ''Enhanced Auction Range''); (iv) market-wide NBB and NBO spread and size requirements (generally requiring between 200 and 750 shares at both the NBB and NBO for both Qualified Securities and Enhanced Securities with an NBBO spread between 1% and 10% for a Qualified Security and .25% to 4% for Enhanced Securities, depending on price of the security and underlying asset class); and (v) depth of book requirements (generally requiring between $25,000 and $250,000 of displayed posted liquidity for both Qualified Securities and Enhanced Securities within 1% to 10% of both the NBB and NBO for Qualified Securities and 0.25% and 5% for Enhanced Securities, depending on price of the security and underlying asset class). *See* Securities Exchange Act No. 86213 (June 27, 2019) 84 FR 31951 (July 3, 2019) (SR–CboeBZX–2019–058) (the ''Original Filing''). The Exchange notes that as of February 1, 2021, the Enhanced Auction Range will be .50%–3%. The Original Filing provides that ''[b]efore diverging significantly from the ranges described above, the Exchange will submit a rule filing to the Commission describing such proposed changes.'' The Exchange does not believe that this change represents a ''significant divergence'' but is instead noting the change in order to provide transparency regarding the current state of the Minimum Performance Standards.

[7] An ''Enhanced Security'' refers to a BZX-listed security which meets certain enhanced qualifying market quality standards.

[8] Like the Standard and Enhanced Rates provided under the existing LMM Liquidity Provision Rates (*i.e.,* paragraph (A) of footnote 14), the proposed rebate would apply only to MPIDs that are LMMs.

[9] ''CADV'' means consolidated average daily volume calculated as the average daily volume reported for a security by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the three calendar months preceding the month for which the fees apply and excludes volume on days when the market closes early and on the Russell Reconstitution Day.

[10] New listings and transferred listings made during a given month will not be eligible for the LMM Add Liquidity Rebate during that month.

[11] An LMM must opt in to the LMM Add Liquidity Rebate each time a Qualified Security is eligible for the rebate after having failed to meet the CADV Requirement during the prior month(s).

paragraph (B). Second, the Exchange proposes to make a ministerial change to the definition of ''Qualified LMM'' in the Fee Schedule to reference Rule 11.8(e)(1)(E) instead of (D). Third, the Exchange proposes to eliminate the Market Depth Tier provided under Footnote 1 of the Fee Schedule. The proposal will have no impact on Members as no Member has recently met the Market Depth Tier.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with the objectives of Section 6 of the Act,[12] in general, and furthers the objectives of Section 6(b)(4) and 6(b)(5),[13] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that its listing business operates in a highly competitive market in which market participants, which includes both issuers and LMMs, can readily transfer their listings or opt not to participate, respectively, if they deem fee levels, liquidity provision incentive programs, or any other factor at a particular venue to be insufficient or excessive. The proposed rule changes reflect a competitive pricing structure designed to incentivize issuers to list new products and transfer existing products to the Exchange and market participants to enroll and participate as LMMs on the Exchange, which the Exchange believes will enhance market quality in all securities listed on the Exchange.

The Exchange believes that the proposal to adopt incentives based on both Minimum Performance Standards and transactions under the LMM Add Liquidity Rebate is a reasonable means to incentivize market quality in securities listed on the Exchange. The marketplace for listings is extremely competitive and there are several other national securities exchanges that offer listings. Transfers between listing venues occur frequently for numerous reasons, including market quality. As noted above, the LMM Add Liquidity Rebate allows the Exchange to offer LMM pricing comparable to other traditional LMM programs available on other listing venues and, as such, this proposal is intended to help the Exchange compete as a listing venue. Further, the Exchange notes that the proposed incentives are not transaction fees, nor are they fees paid by participants to access the Exchange. Rather, the proposed payments are based on achieving certain objective market quality and transaction-based metrics.

As stated above, the proposed rebate would continue to encourage LMMs to meet the Minimum Performance Standards for Qualified Securities, but would provide the potential for additional incentives for higher volume securities. The proposed rebate would provide LMMs with the flexibility to opt in to an additional pricing program that better incentivizes LMMs to meet certain market quality metrics in higher volume securities, which, when coupled with the existing LMM Liquidity Provision Rates, would provide a more comprehensive program to incentivize LMMs to provide enhanced market quality across all LMM Securities. Specifically, the LMM Liquidity Provision Rates are designed to incentivize LMMs to meet the Minimum Performance Standards in lower volume securities where transaction-based incentives may not sufficiently incentivize liquidity and the proposed LMM Add Liquidity Rates would incentivize LMMs to meet the Minimum Performance Standards in higher volume securities through the potential of greater economic benefits, which the Exchange believes is reasonable. The Exchange believes the proposal will benefit all investors by both increasing competition among LMMs in higher volume securities and leading to tighter and deeper markets to the benefit of all market participants.

The Exchange believes that it is reasonable only for securities that meet the CADV Requirement to be eligible for the LMM Add Liquidity Rates because the Exchange does not want to disincentivize LMMs in lower volume securities from meeting the standards applicable to Enhanced Securities. Such lower volume securities generally benefit more from LMMs meeting the standards applicable to Enhanced Securities and the Exchange believes that it is reasonable to continue to require LMMs in securities that do not meet the CADV Requirement to meet such standards in order to maximize their daily payment.

The Exchange believes that it is reasonable to offer the LMM Add Liquidity Rates only for securities that meet the CADV Requirement, because the Exchange generally makes more revenue the greater the trading volume in the trading volume [sic]. Specifically, as the proposed incentives are available only in LMM Securities that meet the CADV Requirement, the incentives are generally commensurate with the Exchange's revenue in that LMM Security. Further, the LMM Add Liquidity Rates provide an alternative incentive structure for LMMs that may better incentivize them to meet the required criteria for the LMM Security. The Exchange believes the LMM Add Liquidity Rates adds an alternative rebate structure that, coupled with the LMM Liquidity Provision Rates, would create a comprehensive incentive structure that will encourage participation and, further, competition among LMMs. The Exchange believes that increased participation and competition among LMMs will result in better market quality across all of its listings, resulting in greater market quality to the benefit of investors and other market participants.

The Exchange believes it is reasonable that an LMM forfeit the LMM Liquidity Provision Rates if it opts in to the LMM Add Liquidity Rates. As described above, opting in to the LMM Add Liquidity Rates would allow the possibility of greater economic benefit for LMMs by offering a per share rebate. As a result, LMMs would have the possibility of receiving a higher payment for acting as an LMM in an LMM Security, which the Exchange believes makes it reasonable to remove the stipend style payment that exists under the LMM Liquidity Provision Rates. Furthermore, the proposal is opt-in only; therefore, LMMs may opt not to participate if they do not believe that they would benefit from opting in or if they deem the LMM Add Liquidity Rates insufficient in a given LMM Security.

The Exchange believes that the proposal represents an equitable allocation of payments and is not unfairly discriminatory because, while the proposed payments apply only to LMMs, such LMMs must meet rigorous Minimum Performance Standards in order to receive the proposed rebate. Where an LMM does not meet the Minimum Performance Standards for the applicable LMM Security, they will not be eligible for the proposed rebates. Further, registration as an LMM is available equally to all Members and allocation of listed securities between LMMs is governed by Exchange Rule 11.8(e)(2). If an LMM does not meet the Minimum Performance Standards for three out of the past four months, the LMM is subject to forfeiture of LMM status for that LMM Security, at the Exchange's discretion.

The Exchange believes that its proposal to eliminate the Market Depth Tier is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4) and (5).

facilities primarily because it will have no impact on Members as no Member has recently met the tier. Removing this tier does not impact any other tiers available to Members and removal of this tier will apply equally to all Members.

The Exchange believes its proposal to re-letter paragraphs (B) and (C) under footnote 14 and amend the definition of Qualified LMM will have no impact on Members of the Exchange as they are ministerial in nature.

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. The Exchange does not believe the proposed change burdens competition, but rather, enhances competition as it is intended to increase the competitiveness of BZX both among Members by incentivizing Members to become LMMs in BZX-listed securities and as a listing venue by enhancing market quality in BZX-listed securities. The marketplace for listings is extremely competitive and there are several other national securities exchanges that offer listings. Transfers between listing venues occur frequently for numerous reasons, including market quality. This proposal is intended to help the Exchange compete as a listing venue. Accordingly, the Exchange does not believe that the proposed change will impair the ability of issuers, LMMs, or competing listing venues to maintain their competitive standing. The Exchange also notes that the proposed change is intended to enhance market quality in BZX-listed securities, to the benefit of all investors in BZX-listed securities. The Exchange does not believe the proposed amendment would burden intra-market competition as it would be available to all Members uniformly. Registration as an LMM is available equally to all Members and allocation of listed securities between LMMs is governed by Exchange Rule 11.8(e)(2). Further, if an LMM does not meet the Minimum Performance Standards for three out of the past four months, the LMM is subject to forfeiture of LMM status for that LMM Security, at the Exchange's discretion.

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 [14] and paragraph (f) of Rule 19b–4 [15] 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2021–016 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2021–016. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2021–016 and should be submitted on or before March 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03725 Filed 2–23–21; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f).

[16] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 11359]

30-Day Notice of Proposed Information Collection: Request for Entry Into Children's Passport Issuance Alert Program

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to March 26, 2021.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Clifton Oliphant at SA–17, 10th Floor, Washington, DC 20522–1710, who may be reached on 202–485–6020 or at *OliPhantCE@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Request for Entry into Children's Passport Issuance Alert Program.
- *OMB Control Number:* 1405–0169.
- *Type of Request:* Revision of a previously approved information collection.
- *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).
- *Form Number:* DS–3077.
- *Respondents:* Concerned parents or their agents, institutions, or courts.
- *Estimated Number of Respondents:* 4,000.
- *Estimated Number of Responses:* 4,000.
- *Average Time per Response:* 30 minutes.
- *Total Estimated Burden Time:* 2,000 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The information requested will be used to support entry of the name of a minor (an unmarried, unemancipated person under 18 years of age) into the Children's Passport Issuance Alert Program (CPIAP). CPIAP provides a mechanism for parents or other persons with legal custody of a minor to obtain information regarding whether the Department has received a passport application for the minor. This program was developed as a means to prevent international parental child abduction and to help prevent other travel of a minor without the consent of a parent or legal guardian. If a minor's name and other identifying information has been entered into the CPIAP, when the Department receives an application for a new, replacement, or renewed passport for the minor, the application may be placed on hold for up to 90 days and the Office of Children's Issues may attempt to notify the requestor of receipt of the application. Form DS–3077 will be primarily submitted by a parent or legal guardian of a minor. This collection is authorized by 22 CFR 51.28, which is the regulation that implements the statutory two-parent consent requirement and prescribes the bases for an exception to the requirement.

Methodology

The completed Form DS–3077 can be filled out online and printed or completed by hand. The form must be manually signed and submitted to the Office of Children's Issues by email, fax or mail with supporting documentation.

Kevin E. Bryant,

Deputy Director, Office of Directives Management, Department of State.

[FR Doc. 2021–03812 Filed 2–23–21; 8:45 am]

BILLING CODE 4710–06–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 (Sub-No. 4)]

Railroad Cost Recovery Procedures—Productivity Adjustment

AGENCY: Surface Transportation Board.

ACTION: Presentation of the Board's calculation for the change in railroad productivity for the 2015–2019 averaging period.

SUMMARY: In a decision served on February 19, 2021, the Board proposed to adopt 1.008 (0.8% per year) as the measure of average (geometric mean) change in railroad productivity for the 2015–2019 (five-year) period. The Board's February 19, 2021 decision stated that comments may be filed addressing any perceived data and computational errors in the Board's calculation. The decision also stated that, unless a further order is used postponing the effective date, the decision will take effect on March 11, 2021.

DATES: Comments are due by March 8, 2021.

ADDRESSES: Comments may be e-filed on the Board's website at *www.stb.gov.* Comments must be served on all parties appearing on the service list.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez at (202) 245–0333. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available at *www.stb.gov.*

Authority: 49 U.S.C. 10708.

Decided: February 18, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, Primus, and Schultz.

Brendetta Jones,

Clearance Clerk.

[FR Doc. 2021–03805 Filed 2–23–21; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Compatibility Program for San Carlos Airport, San Mateo County, California

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of approval.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the San Carlos Airport noise compatibility program submitted by San Mateo County, San Mateo County, California. These findings are made in recognition of the description of Federal and nonfederal responsibilities in a Senate Report. On April 23, 2019, the FAA determined that the noise exposure maps submitted by San Mateo County were in compliance with applicable requirements. On December 15, 2020 the FAA approved the San Carlos Airport Noise Compatibility Program (NCP). The 5 (five) program elements recommended in the NCP were approved. No program elements relating to new or revised flight procedures for noise abatement were proposed by the airport sponsor.

DATES: The effective date of the FAA's approval of the San Carlos Airport noise compatibility program is December 15, 2020.

FOR FURTHER INFORMATION CONTACT: Camille Garibaldi, Environmental Protection Specialist, Federal Aviation Administration, San Francisco Airports District Office, 1000 Marina Boulevard,

Suite 220, Brisbane, California 94005–7600. Telephone: 650–827–7613. Documents reflecting this FAA action may be obtained from the same individual. The Noise Compatibility Plan and supporting documentation can also be found at *http://sancarlosnoise.airportstudy.com.*

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for San Carlos Airport, effective December 15, 2020.

Under section 47504 of title 49 United States Code (U.S.C.) (the Aviation Safety and Noise Abatement Act, hereinafter referred to as ''the Act''), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with 14 Code of Federal Regulations (CFR) part 150 (hereinafter referred to as ''part 150'') is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required. Prior to an FAA decision on a request to implement the action, an environmental review of the proposed action may be required. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA San Francisco Airports District Office in the Western-Pacific Region.

The San Mateo County submitted their noise compatibility program to the FAA on May 29, 2020, including the noise exposure maps, descriptions and other documentation produced during the noise compatibility planning study conducted from April 20, 2017 through May 29, 2020. The San Carlos Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on April 23, 2019. Notice of this determination was published in the **Federal Register** (84 FR 21893) on May 15, 2019.

The noise exposure maps are based on operational data that is now over five years old. FAA received certification, in accordance with § 150.21, that the noise exposure maps are representative of conditions at the airport for the existing and forecast timeframe as of the date of August 31, 2018. Due to the aircraft operational and fleet mix changes since 2019, at the airport, FAA recommends that San Mateo County review, revise, and update, as appropriate the future noise exposure maps under § 150.21 at the earliest opportunity.

The San Carlos Airport noise compatibility planning study contains a proposed noise compatibility program comprised of actions designed for phased implementation by San Mateo County through the year 2027. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 47504 of the Act. The FAA began its review of the program on July 30, 2020, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 5 (five) proposed program elements for land use management and program management. The FAA completed its review and determined that the procedural and substantive requirements of the Act and part 150 have been satisfied. The overall program was approved by the FAA, effective December 15, 2020.

Outright approval was granted for the 5 (five) program elements. The approved elements include: Land Use Management Elements (1) Encourage Redwood City to incorporate project review guidelines into their development review process, and (2) Encourage the San Mateo County Airport Land Use Commission to incorporate 2022 noise exposure contours into San Carlos Airport's Airport Land Use Compatibility Plan (ALUCP) until an updated 20-year forecast can be implemented; and Program Management Elements (3) Continue use of the Airport's noise complaint handling system, (4) Update Noise Exposure Maps and Noise Compatibility Program, and (5) Monitor implementation of the part 150 Noise Compatibility Program.

These determinations are set forth in detail in a Record of Approval signed by the Director, Office of Airports, Western-Pacific Region on December 15, 2020. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA website at: *http://www.faa.gov/airports/environmental/airport_noise/part_150/states/* and San Mateo County website at: *http://sancarlosnoise.airportstudy.com/noise-study-documents/.*

Issued in El Segundo, California on February 1, 2021.

Robin K. Hunt,

Acting Director, Office of Airports, Western-Pacific Region.

[FR Doc. 2021–02763 Filed 2–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, March 9, 2021.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Lines Project Committee will be held Tuesday, March 9, 2021 at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Rosalind Matherne. For more information please contact Rosalind Matherne at 1–888–912–1227 or 202–317–4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: February 18, 2021.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2021–03737 Filed 2–23–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, March 11, 2021.

FOR FURTHER INFORMATION CONTACT: Fred Smith at 1–888–912–1227 or (202) 317–3087.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be held Thursday, March 11, 2021 at 2:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Fred Smith. For more information please contact Fred Smith at 1–888–912–1227 or (202) 317–3087, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.*

Dated: February 18, 2021.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2021–03733 Filed 2–23–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, March 11, 2021.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or 202–317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Thursday, March 11, 2021, at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1–888–912–1227 or 202–317–4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: February 18, 2021.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2021–03740 Filed 2–23–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, March 11, 2021.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements Project Committee will be held Thursday, March 11, 2021, at 12:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: February 18, 2021.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2021–03739 Filed 2–23–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, March 25, 2021.

FOR FURTHER INFORMATION CONTACT: Gilbert Martinez at 1–888–912–1227 or (737) 800–4060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Thursday, March 25, 2021, at 1:30 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact Gilbert Martinez at 1–888–912–1227 or (737–800–4060), or write TAP Office 3651 S. IH–35, STOP 1005 AUSC, Austin, TX 78741, or post comments to the website: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: February 18, 2021.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2021–03738 Filed 2–23–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Financial Crimes Enforcement Network Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments must be received on or before March 26, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing *PRA@treasury.gov,* calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Financial Crimes Enforcement Network (FinCEN)

1. Title: Reports Relating to Currency in Excess of $10,000 Received in a Trade or Business, or Received as Bail by Court Clerks; Form 8300 (31 CFR 1010.330 and 31 CFR 1010.331).

OMB Control Number: 1506–0018.

Type of Review: Extension without change of a currently approved collection.

Description: FinCEN is issuing this notice to renew the OMB control number for the requirements for (1) any person in a trade or business who, in the course of the trade or business, receives more than $10,000 in coin or currency in one or more related transactions to report it to FinCEN, and (2) any clerk of a federal or state court who receives more than $10,000 in currency as bail for any individual charged with a specified criminal offense to make report of information with respect to receipt of that currency. Reports under 31 CFR 1010.330 and 31 CFR 1010.331 are filed through the joint FinCEN/IRS Form 8300 and must be maintained for five years after the date of filing.

Form: Form 8300.

Affected Public: Businesses or other for-profit institutions; and Not-for-profit institutions.

Estimated Number of Respondents: 32,500.

Frequency of Response: As required.

Estimated Total Number of Annual Responses: 323,067.

Estimated Total Annual Burden Hours: 161,534 hours.

2. Title: Administrative rulings regulations (Subpart G—31 CFR 1010.710 through 31 CFR 1010.717).

OMB Control Number: 1506–0050.

Type of Review: Extension without change of a currently approved collection.

Description: FinCEN is issuing this notice to renew the OMB control number for the administrative ruling regulations. A FinCEN administrative ruling is a written ruling interpreting the relationship between the regulations implementing the BSA at 31 CFR Chapter X and each situation for which such a ruling has been requested in conformity with the regulatory requirements. The regulations implementing the procedures for requestors to submit, and for FinCEN to issue, administrative rulings appear in Part 1010, Subpart G—Administrative Rulings. Specifically, the regulations address the following: (a) How to submit a request for an administrative ruling (31 CFR 1010.711); (b) treatment of non-conforming requests (31 CFR 1010.712); (c) treatment of oral communications (31 CFR 1010.713); (d) withdrawal of administrative ruling requests (31 CFR 1010.714); (e) issuance of administrative rulings (31 CFR 1010.715); (e) modification and rescission of administrative rulings (31 CFR 1010.716); and (f) disclosure of administrative ruling (31 CFR 1010.717). An administrative ruling has precedential value, and may be relied upon by others similarly situated, only if FinCEN makes them available to the public through publication on the FinCEN website or another appropriate forum.

Form: Not applicable.

Affected Public: Businesses or other for-profit institutions; Not-for-profit institutions; and Individuals or Households.

Estimated Number of Respondents: 33.

Frequency of Response: As required.

Estimated Total Number of Annual Responses: 33.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 66 hours.

3. Title: AML program requirements for casinos (31 CFR 1021.210, 31 CFR 1021.410(b)(10)).

OMB Control Number: 1506–0051.

Type of Review: Extension without change of a currently approved collection.

Description: FinCEN is issuing this notice to renew the OMB control number for the AML program regulatory

requirements for casinos. Section 352 of the USA PATRIOT Act added subsection (h) to 31 U.S.C. 5318 of the BSA. Section 352 mandates that financial institutions establish AML programs to guard against money laundering. Such AML programs must include, at a minimum, the following: (a) The development of internal policies, procedures, and controls, (b) the designation of a compliance officer, (c) an ongoing employee training program, and (d) an independent audit function to test programs. Pursuant to section 352, FinCEN issued a regulation requiring casinos to develop and implement written AML programs.

Form: Not applicable.

Affected Public: Businesses or other for-profit institutions; and Not-for-profit institutions.

Estimated Number of Respondents: 993.

Frequency of Response: As required.

Estimated Time per Response: 1 hour per casino for maintaining and updating the AML program, 5 minutes per casino for storing the written AML program, 5 minutes per casino for producing a copy of the AML program if requested by regulatory examiners or law enforcement; and 99 hours per casino for complying with the requirements in 31 CFR 1021.210(b)(2)(v) and (vi).

Estimated Total Annual Burden Hours: 99,466 hours.

4. Title: Reports and records of certain domestic transactions (31 U.S.C. 5326; 31 CFR 1010.370 and 1010.410(d)).

OMB Control Number: 1506–0056.

Type of Review: Extension without change of a currently approved collection.

Description: FinCEN is issuing this notice to renew the OMB control number for statutes and regulations requiring reports and records of certain domestic transactions. Congress amended the Bank Secrecy Act (BSA) in 1988 to give the Secretary the authority to issue orders under 31 U.S.C. 5326 by passing Public Law 100–690, Title VI, § 6185(c). This provision was later amended to permit issuance of confidential orders, lengthen the effective period of orders to 180 days, cover transactions involving transfers of funds, and to clarify that orders can be issued upon reasonable grounds for concluding that additional requirements are necessary to carry out the purposes of the subtitle of which 31 U.S.C. 5326 is a part, or to prevent evasions thereof. See Public Law 102–550, Title XV, § 1514; Public Law 107–56, 353(d); Public Law 115–44, 275.

Under 31 U.S.C. 5326(a), if the Secretary finds that reasonable grounds exist for concluding that additional recordkeeping and reporting are necessary to carry out the purpose of the BSA or to prevent evasions thereof, the Secretary may issue an order requiring any domestic financial institution or nonfinancial trade or business or group of domestic financial institutions or nonfinancial trades or businesses in a geographic area to obtain such information as the Secretary may describe in such order concerning certain transactions.

The authority set forth in 31 U.S.C. 5326 to impose reporting and recordkeeping requirements is self-implementing. Section 5326(a) generally requires domestic financial institutions or nonfinancial trades or businesses in a geographic area that receive an order to report, in the manner and to the extent specified in an order, information concerning any transaction in which such financial institution or nonfinancial trade or business is involved for the payment, receipt, or transfer of funds (as the Secretary may describe in such order). An order typically will include the following terms: (i) The dollar amount of transactions subject to the reporting requirement; (ii) the type of transactions subject to or exempt from the reporting requirement; (iii) the appropriate form for reporting and the method for form submission; (iv) the starting and ending dates by which the transactions specified in the order are to be reported; (v) a point of contact at FinCEN for questions; (vi) the amount of time the reports and records of reports generated are required to be retained; and (vii) any other information deemed necessary to carry out the purpose of the order. Pursuant to 31 U.S.C. 5326(d), no order will prescribe a reporting period of more than 180 days unless it is renewed pursuant to 31 U.S.C. 5326(a). These orders are commonly referred to as geographic targeting orders (GTOs).

31 CFR 1010.410(d) requires each financial institution or nonfinancial trade or business to retain the original or a copy or reproduction of a record of the information required to be reported in a GTO for the period of time specified in the order, not to exceed five years.

Form: Not applicable.

Affected Public: Businesses or other for-profit institutions; and Not-for-profit institutions.

Estimated Number of Respondents: 353.

Frequency of Response: As required.

Estimated Total Number of Annual Responses: 13,719.

Estimated Time per Response: 25 minutes.

Estimated Total Annual Burden Hours: 5,716 hours.

5. Title: Records to be made and retained by financial institutions (31 CFR 1010.410), records to be made and retained by banks (31 CFR 1020.410), and additional records to be maintained by providers and sellers of prepaid access (31 CFR 1022.420).

OMB Control Number: 1506–0058 and 1506–0059.

Type of Review: Extension without change of a currently approved collection.

Description: FinCEN is issuing this notice to renew the OMB control numbers for regulations requiring certain financial institutions to make and retain records associated with certain types of transactions, including funds transfers, transmittals of funds, and prepaid access transactions, among other types of transactions.

On January 3, 1995, Treasury and the Board jointly issued a recordkeeping rule (the ''Recordkeeping Rule'') that requires banks and nonbank financial institutions to collect and retain information related to funds transfers and transmittals of funds in amounts of $3,000 or more. The Recordkeeping Rule is intended to help law enforcement and regulatory authorities to detect, investigate, and prosecute money laundering, and other financial crimes by preserving an information trail about persons sending and receiving funds through the funds transfer system.

At the same time, FinCEN issued a separate rule—the ''Travel Rule''—that requires banks and nonbank financial institutions to transmit information on certain funds transfers and transmittals of funds to other banks or nonbank financial institutions participating in the transfer or transmittal. The Travel Rule and the Recordkeeping Rule complement each other. Generally, the Recordkeeping Rule requires financial institutions to collect and retain the information that, under the Travel Rule, must be included with transmittal orders, although the Recordkeeping Rule also has other applications apart from ensuring that information is available to include with funds transfers. FinCEN issued the Travel Rule pursuant to statutory authority that permits the Treasury to require domestic financial institutions or nonfinancial trades or businesses to maintain appropriate procedures to ensure compliance with the Bank Secrecy Act (BSA) or to guard against money laundering, and to establish AML programs.

The Recordkeeping Rule is codified at 31 CFR 1020.410(a) and 1010.410(e), and the Travel Rule is codified at 31 CFR 1010.410(f). This notice proposes to

renew the regulations that implement the Recordkeeping Rule and the Travel Rule, along with all of the other regulatory requirements under 31 CFR 1010.410, 1020.410, and 1022.420.

The Recordkeeping Rule and Travel Rule collectively require banks and nonbank financial institutions to collect, retain, and transmit information on funds transfers and transmittals of funds in amounts of $3,000 or more.

Under the Recordkeeping Rule, the originator's bank or transmitter's financial institution must collect and retain the following information: (a) Name and address of the originator or transmitter; (b) the amount of the payment or transmittal order; (c) the execution date of the payment or transmittal order; (d) any payment instructions received from the originator or transmitter with the payment or transmittal order; and (e) the identity of the beneficiary's bank or recipient's financial institution. In addition, the originator's bank or transmitter's financial institution must retain the following information if it receives that information from the originator or transmitter: (a) Name and address of the beneficiary or recipient; (b) account number of the beneficiary or recipient; and (c) any other specific identifier of the beneficiary or recipient. The originator's bank or transmitter's financial institution is required to verify the identity of the person placing a payment or transmittal order if the order is made in person and the person placing the order is not an established customer. Similarly, should the beneficiary's bank or recipient's financial institution deliver the proceeds to the beneficiary or recipient in person, the bank or nonbank financial institution must verify the identity of the beneficiary or recipient—and collect and retain various items of information identifying the beneficiary or recipient—if the beneficiary or recipient is not an established customer. Finally, an intermediary bank or financial institution—and the beneficiary's bank or recipient's financial institution—must retain originals or copies of payment or transmittal orders.

Under the Travel Rule, the originator's bank or transmitter's financial institution is required to include information, including all information required under the Recordkeeping Rule, in a payment or transmittal order sent by the bank or nonbank financial institution to another bank or nonbank financial institution in the payment chain. An intermediary bank or financial institution is also required to transmit this information to other banks or nonbank financial institutions in the payment chain, to the extent the information is received by the intermediary bank or financial institution.

Under 31 CFR 1022.420, Providers and sellers of prepaid access are a type of money services business (MSB), as defined in § 1010.100(ff). BSA regulations specific to MSBs are found at 31 CFR Chapter X. Providers and sellers of prepaid access must maintain access to transactional records generated in the ordinary course of business that would be needed to reconstruct prepaid access activation, loads, reloads, purchases, withdrawals, transfers, or other prepaid-related transactions.

Form: Not applicable.

Affected Public: Businesses or other for-profit institutions; and Not-for-profit institutions.

Estimated Number of Respondents: 28,567.

Frequency of Response: As required.

Estimated Total Annual Burden Hours: 2,908,942 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: February 18, 2021.

Molly Stasko,

Treasury PRA Clearance Officer.

[FR Doc. 2021–03731 Filed 2–23–21; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Department of the Treasury.

ACTION: Notice of a New System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of the Treasury (''Treasury'' or the ''Department'') (including Treasury bureaus, offices, and other subcomponents), proposes to establish a new Treasury system of records titled, ''Department of the Treasury .020—Health Screening and Contact Tracing Records.'' Treasury collects these records when it knows or suspects that a person who was infected with a communicable disease came in close physical proximity to or had physical contact with other persons while working in or visiting a Treasury facility (including Treasury sponsored events in non-Treasury facilities), and Treasury determines that the collection of such records is necessary to protect the health of Treasury personnel (meaning employees, grantees, contractors, and interns), and Treasury visitors (which includes non-Treasury federal employees and contractors, detailees from other federal agencies working at a Treasury facility, and members of the public who visit a Treasury facility). Treasury may collect these records in response to a health-related declaration of a national emergency by the President, a public health emergency declared by the Health and Human Service (HHS) Secretary or a designated federal official or a designated state official. Even in the absence of a health-related declaration of national emergency or declaration of public health emergency (HHS or state level), Treasury may collect these records if it determines that a significant risk of substantial harm exists to the health of Treasury personnel or visitors.

DATES: Submit comments on or before March 26, 2021. The <new and/or significantly modified> routine uses will be applicable on March 26, 2021.

ADDRESSES: Comments may be submitted to the Federal E-Rulemaking Portal electronically at *http://www.regulations.gov.* Comments can also be sent to the Deputy Assistant Secretary for Privacy, Transparency, and Records, Department of the Treasury, Departmental Offices, 1750 Pennsylvania Avenue NW, Washington, DC 20220, Attention: Revisions to Privacy Act Systems of Records. All comments received, including attachments and other supporting documents, are part of the public records and subject to public disclosure. All comments received will be posted without change to *www.regulations.gov,* including any personal information provided. You should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For general questions and privacy issues please contact: Deputy Assistant Secretary for Privacy, Transparency, and Records (202–622–5710), Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of the Treasury (''Treasury'') proposes to establish a new Treasury system of records titled, ''Department of the Treasury, Treasury .020—Health Screening and Contact Tracing Records.''

Treasury is publishing this system of records to provide notice to individuals regarding the collection, maintenance, use and disclosure of health screening and contact tracing information collected from and about Treasury personnel (meaning employees, grantees, contractors, and interns), and Treasury visitors (meaning non-Treasury federal employees, detailees

from other federal agencies, non-Treasury federal contractors, and members of the public) working at or visiting a Treasury facility or a Treasury sponsored event at a non-Treasury facility. Treasury is collecting this information to protect the health of Treasury personnel and Treasury visitors who seek to enter a Treasury facility and/or were physically present in a Treasury facility and came in close proximity to or had physical contact with Treasury personnel and/or visitors who, at the time, were infected or had symptoms of infection with a communicable disease.

Health screening information will be used to reduce the risk that individuals with symptoms consistent with a communicable disease will enter a Treasury facility or event and infect Treasury personnel and/or visitors with a communicable disease. Contact tracing information will be used to identify other Treasury personnel and/or visitors who were present in a Treasury facility and came in close proximity to or had physical contact with Treasury personnel and/or visitors who, at the time, were infected or had symptoms of infection with a communicable disease.

Treasury may collect these records in response to a health-related declaration of a national emergency by the President, a public health emergency declared by the Health and Human Service (HHS) Secretary or a designated federal official or a designated state official. Even in the absence of a health-related declaration of national emergency or declaration of public health emergency (HHS or state level), Treasury may collect these records if it determines that a significant risk of substantial harm exists to the health of Treasury personnel or visitors.

The Occupational Safety and Health Act (OSHA) of 1970, Public Law 91–596, 29 U.S.C. 668, Section 19(a) requires the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program and safe and healthful places and conditions of employment, and to keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action. OSHA also requires that Federal agencies maintain an injury and illness prevention program, which is a proactive process designed to reduce injuries, illnesses, and fatalities.

The Secretary of the Department of Health and Human Services (HHS) may, under section 319 of the Public Health Service (PHS) Act (codified at 42 U.S.C. 247d), declare that: (a) A disease or disorder presents a public health emergency; or (b) that a public health emergency, including significant outbreaks of infectious disease or bioterrorist attacks, otherwise exists.

Most state governors also have the authority to declare public health emergencies by executive order or other declaration. State declared public health emergencies could also involve a significant risk of substantial harm to Treasury personnel or visitors.

Treasury is not seeking exemption from any Privacy Act provisions for this system of records.

The proposed system of records will have an effect on individual privacy because medical information is required to conduct health screening, to identify persons who have or may have been exposed to or infected with a communicable disease (*e.g.,* to reduce risk by allowing them to work from home or use leave, as needed), and to identify other persons with whom an infected person might have had contact in a Treasury facility (including Treasury bureau, office, and other subcomponent facilities) or another facility hosting a Treasury-sponsored event. In order to reduce the risk to individual privacy, Treasury is minimizing the information it maintains. For example, if Treasury personnel or visitors test positive for a communicable disease and reveal this information to Treasury (or Treasury acquires this information from another source), their identity will not be disclosed to other persons with whom they came in close physical contact unless otherwise authorized by law.

Treasury will include this system in its inventory of record systems.

Treasury provided a report of this system of records to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget (OMB), pursuant to 5 U.S.C. 552a(r) and OMB Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' dated December 23, 2016.

Below, is the description of Treasury .020—Health Screening and Contact Tracing Records.

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

SYSTEM NAME AND NUMBER:

Department of the Treasury—.020—Health Screening and Contact Tracing Records—Department of the Treasury.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The records are located at Main Treasury and in other Treasury bureaus, offices, and other subcomponents, both in Washington, DC and at field locations as follows:

(1) Departmental Offices: 1500 Pennsylvania Ave. NW, Washington, DC 20220;

(2) Alcohol and Tobacco Tax and Trade Bureau: 1310 G St. NW, Washington, DC 20220.

(3) Office of the Comptroller of the Currency: Constitution Center, 400 Seventh St. SW, Washington, DC 20024;

(4) Fiscal Service: Liberty Center Building, 401 14th St. SW, Washington, DC 20227;

(5) Internal Revenue Service: 1111 Constitution Ave. NW, Washington, DC 20224;

(6) United States Mint: 801 Ninth St. NW, Washington, DC 20220;

(7) Bureau of Engraving and Printing: District of Columbia Facility, 14th and C Streets SW, Washington, DC 20228 and Western Currency Facility, 9000 Blue Mound Rd., Fort Worth, TX 76131;

(8) Financial Crimes Enforcement Network: Vienna, VA 22183;

(9) Special Inspector General for the Troubled Asset Relief Program (SIGTARP): 1801 L St. NW, Washington, DC 20220;

(10) Office of Inspector General: 740 15th St. NW, Washington, DC 20220; and

(11) Office of the Treasury Inspector General for Tax Administration: 1125 15th St. NW, Suite 700A, Washington, DC 20005.

Data are also located at contractor sites. A list of contractor sites where individually identified data are currently located is available upon request.

SYSTEM MANAGER(S):

(1) Departmental Offices: 1500 Pennsylvania Ave. NW, Washington, DC 20220;

(2) Alcohol and Tobacco Tax and Trade Bureau: 1310 G St. NW, Washington, DC 20220.

(3) Office of the Comptroller of the Currency: Constitution Center, 400 Seventh St. SW, Washington, DC 20024;

(4) Fiscal Service: Liberty Center Building, 401 14th St. SW, Washington, DC 20227;

(5) Internal Revenue Service: 1111 Constitution Ave. NW, Washington, DC 20224;

(6) United States Mint: 801 Ninth St. NW, Washington, DC 20220;

(7) Bureau of Engraving and Printing: District of Columbia Facility, 14th and C Streets SW, Washington, DC 20228 and Western Currency Facility, 9000 Blue Mound Rd., Fort Worth, TX 76131;

(8) Financial Crimes Enforcement Network: Vienna, VA 22183;

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(10) Office of Inspector General: 740 15th St. NW, Washington, DC 20220; and

(11) Office of the Treasury Inspector General for Tax Administration: 1125 15th St. NW, Suite 700A, Washington, DC 20005.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act (OSHA) of 1970, Public Law 91–596, Section 19(a) (29 U.S.C. 668(a)); 5 U.S.C. 301; Section 319 of the Public Health Service Act (42 U.S.C. 247d; American with Disabilities Act, including 42 U.S.C. 12112(d)(3)(B) (allowing medical examination after an offer of employment has been made to a job applicant), 29 CFR 602.14, 1630.2(r), 1630.14(b)(1), (c)(1), (d)(4); Medical Examinations for Fitness for Duty Requirements, including 5 CFR part 339; Executive Order 12196, 5 U.S.C. 7902(d); 29 U.S.C. 668, 29 CFR part 1904, 29 CFR 1910.1020, and 29 CFR 1960.66.

PURPOSE(S) OF THE SYSTEM:

The Department of the Treasury (including Treasury bureaus, offices, and other subcomponents) collects these records when it knows or suspects that a person was infected with a communicable disease and came in close physical proximity to or had physical contact with other persons while working in or visiting a Treasury facility (including Treasury sponsored events in non-Treasury facilities), and Treasury (or another federal or state authority) determines that a significant risk of substantial harm exists to the health or safety of Treasury employees or visitors. These records are used to: (1) Comply with Occupational Safety and Health Administration Act recordkeeping requirements; (2) respond to a significant risk of substantial harm to Treasury personnel or visitors; (3) document reports of illness or communicable disease that are the subject of a declaration of public health emergency by the Health and Human Service (HHS) Secretary or a designated state official that may pose a significant risk of substantial harm to the health of Treasury personnel (meaning employees, grantees, and interns), and/or Treasury visitors (meaning non-Treasury federal employees, detailees from other federal agencies, contractors, and members of the public); (4) perform contact tracing investigations of and notifications to Treasury personnel and Treasury visitors known or suspected of exposure to communicable diseases who came in close physical proximity to or had physical contact with other persons while working in or visiting a Treasury facility; (5) inform federal, state or local public health authorities so that these authorities may act to protect public health as allowed or required by law; and (6) take such actions (*e.g.,* quarantine or isolation) as necessary to prevent the introduction, transmission, and spread of communicable disease by persons who have contracted or were exposed to such a disease and came in close physical proximity to or had physical contact with other persons while working in or visiting a Treasury facility or event.

Treasury may collect this information in response to a declaration of public health emergency by the Secretary of the Department of Health and Human Services (HHS). Under section 319 of the Public Health Service Act, the HHS Secretary may declare that: (a) A disease or disorder presents a public health emergency; or (b) that a public health emergency, including significant outbreaks of infectious disease or bioterrorist attacks, otherwise exists. When the HHS Secretary determines that a public health emergency exists, Treasury must respond to protect the health of its workforce. Treasury's response will depend on the nature of the particular public health emergency, but may include collecting information on Treasury personnel (meaning employees, grantees, and interns), and Treasury visitors (meaning non-Treasury federal employees, detailees from other federal agencies, contractors, and members of the public).

Treasury may also collect this information when it determines that the spread of a communicable disease presents a significant risk of substantial harm to the health of Treasury personnel or visitors. Treasury will consider any public health emergency declared by state or local officials in making such a determination.

In other circumstances, even in the absence of a health related declaration of national emergency or declaration of public health emergency (HHS or state level), Treasury may collect this information where it determines that the spread of a communicable disease presents a significant risk of substantial harm to the health of Treasury personnel or visitors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who provide health screening information prior to being admitted to a Treasury facility or event; persons denied entry to a Treasury facility or event after health screening; persons who worked in or visited a Treasury facility or event while infected or potentially infected with a communicable disease; and persons exposed to or potentially infected with a communicable disease while working in or visiting a Treasury facility or a Treasury sponsored event at a non-Treasury facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Health screening and contact tracing records may include identification and contact information (such as name, address, work or personal phone number(s), work or personal email address(es), work office/division, date of birth, employee ID number, badge number, Social Security Number, passport number), medical reports, assessments, vaccination status, testing status (where and when it occurred; status of results), test type, test results, disease type, health status, approximate date of exposure, last date physically present in a Treasury facility/at a Treasury event, name of facility (including bureau or office or other unit/component) visited, areas of a Treasury or other facility (if a Treasury event at a non-Treasury facility) traversed, areas and objects touched, workplace contacts, names of persons who had physical contact with or was in prolonged close physical proximity to infected/potentially infected persons, proximity monitoring device identification and serial number, time monitoring device was first picked up and returned, extended proximity event time and date, number of events, number of individuals in an event, number of individuals at location, dates and locations of domestic and international travel, and related information and documents collected for the purpose of screening and contact tracing.

RECORD SOURCE CATEGORIES:

Records are obtained through interviews or electronically (using proximity monitoring devices) from the individuals infected or potentially infected while physically present in a Treasury facility or at a Treasury event, other individuals with whom an infected or potentially infected individual had close contact, other federal or state agencies, physicians (as allowed by law or with consent from the individual), Treasury visitors or their employers, and Treasury personnel and visitors who maintain (manually or electronically) a log or report of their close physical contacts (and the

duration of that contact) while in Treasury facilities to individuals designated by Treasury.

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

In addition to those disclosures generally permitted under the Privacy Act of 1974, 5 U.S.C. 552a(b), records and/or information or portions thereof maintained as part of this system may be disclosed outside Treasury as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) To the United States Department of Justice (''DOJ''), for the purpose of representing or providing legal advice to the Department in a proceeding before a court, adjudicative body, or other administrative body before which the Department is authorized to appear, when such proceeding involves:

(a) The Department or any component thereof;

(b) Any employee of the Department in his or her official capacity;

(c) Any employee of the Department in his or her individual capacity where the Department of Justice or the Department has agreed to represent the employee; or

(d) The United States, when the Department determines that litigation is likely to affect the Department or any of its components; and the use of such records by the DOJ is deemed by the DOJ or the Department to be relevant and necessary to the litigation.

(2) To a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906;

(5) To appropriate agencies, entities, and persons when (1) the Department of the Treasury and/or one of its bureaus suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or bureau has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or bureau (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or bureau's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(6) To another Federal agency or Federal entity, when the Department of the Treasury and/or bureau determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach;

(7) To Federal agencies such as the Health and Human Services (HHS), State and local health departments, and other public health or cooperating medical authorities in connection with program activities and related collaborative efforts to deal more effectively with exposures to communicable diseases, and to satisfy mandatory reporting requirements when applicable.

(8) To missing person location organizations to obtain information to aid in locating persons who were possibly exposed or exposed others to a communicable disease at a Treasury facility.

(9) To contractors to assist the agency in health screening and contact tracing activities and assessing/revising/improving Treasury processes, procedures, performance and implementation of health screening and contact tracing activities.

(10) To appropriate federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations, to the extent permitted by law, and in consultation with legal counsel, for the purpose of protecting the vital interests of a data subject or other persons, including to assist such agencies or organizations in preventing exposure to or transmission of a communicable or quarantinable disease or to combat other significant public health threats.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored electronically in secure facilities. Paper records (if they must be created/maintained) are stored in a locked drawer, behind a locked door or at a secure offsite location.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by an individual's name or other identification information (such as email address, employee identification number, or SSN).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are managed in accordance with National Archives and Records Administration General Records Schedule 2.7 Item 040. Contact tracing records will be maintained in the agency in accordance with proposed retention schedules.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable law, rules and policies, including all applicable Treasury automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing, in accordance with Treasury's Privacy Act regulations (located at 31 CFR 1.26), to the Freedom of Information Act (FOIA) and Transparency Liaison, whose contact information can be found at *http://www.treasury.gov/FOIA/Pages/index.aspx* under ''FOIA Requester Service Centers and FOIA Liaison.'' If an individual believes more than one bureau maintains Privacy Act records concerning him or her, the individual may submit the request to the Office of Privacy, Transparency, and Records, FOIA and Transparency, Department of the Treasury, 1500 Pennsylvania Ave. NW, Washington, DC 20220.

No specific form is required, but a request must be written and:

• Be signed and either notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization;

• State that the request is made pursuant to the FOIA and/or Privacy Act disclosure regulations;

• Include information that will enable the processing office to determine the fee category of the user;

• Be addressed to the bureau that maintains the record (in order for a request to be properly received by the Department, the request must be received in the appropriate bureau's disclosure office);

• Reasonably describe the records;

• Give the address where the determination letter is to be sent;

• State whether or not the requester wishes to inspect the records or have a copy made without first inspecting them; and

• Include a firm agreement from the requester to pay fees for search, duplication, or review, as appropriate. In the absence of a firm agreement to pay, the requester may submit a request for a waiver or reduction of fees, along with justification of how such a waiver request meets the criteria for a waiver or reduction of fees found in the FOIA statute at 5 U.S.C. 552(a)(4)(A)(iii).

You may also submit your request online at *https://rdgw.treasury.gov/foia/pages/gofoia.aspx* and call 1–202–622–0930 with questions.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

[FR Doc. 2021–03770 Filed 2–23–21; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0115]

Agency Information Collection Activity: Supporting Statement Regarding Marriage

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veteran's Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 26, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0115'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

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. 2900–0115'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 103.

Title: Supporting Statement Regarding Marriage (VA Form 21P–4171).

OMB Control Number: 2900–0115.

Type of Review: Extension of a currently approved collection.

Abstract: The Department of Veterans Affairs (VA), through its Veterans Benefits Administration (VBA), administers an integrated program of benefits and services, established by law, for veterans, service personnel, and their dependents and/or beneficiaries. Title 38 U.S.C. 5101(a) provides that a specific claim in the form provided by the Secretary must be filed in order for benefits to be paid to any individual under the laws administered by the Secretary. VBA utilizes VA Form 21P–4171 to collect information from third parties regarding claimed common-law marriage between Veterans and spouse/surviving spouses. VBA used this the information collected to determine whether or not the claimed common-law marriage is valid under the laws of the state/territory where the parties resided at the time of marriage or the laws of the state/territory where the parties resided when the right to benefits accrued, in accordance with 38 CFR 3.1(j) and pay monetary benefits.

Affected Public: Individuals and households.

Estimated Annual Burden: 800 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 2,400.

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. 2021–03732 Filed 2–23–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0458]

Agency Information Collection Activity: Certification of School Attendance or Termination

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of a previously approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 26, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0458'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

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. 2900–0458'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 101(4).

Title: Certification of School Attendance or Termination (VA Forms 21–8960 and 21–8960–1).

OMB Control Number: 2900–0458.

Type of Review: Reinstatement of a previously approved collection.

Abstract: VA compensation and pension programs require current information to determine eligibility for benefits. VA Forms 21–8960 and 21–8960–1 solicit information that is needed to determine continued benefit eligibility for schoolchildren between the ages of 18 and 23. If the collection were not conducted or were conducted less frequently, VA would be unable to verify continued entitlement in a timely manner, and increased overpayments would result.

The burden estimate for VA Forms 21–8960 and 21–8960–1 has decreased as the number of respondent total has reduced over the past year.

Affected Public: Individuals and households.

Estimated Annual Burden: 1,543 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 9,259.

By direction of the Secretar.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–03830 Filed 2–23–21; 8:45 am]

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