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Presidential Documents

Title 3—

The President

Executive Order 14020 of March 8, 2021

Establishment of the White House Gender Policy Council

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* Advancing gender equity and equality is a matter of human rights, justice, and fairness. It is also a strategic imperative that reduces poverty and promotes economic growth, increases access to education, improves health outcomes, advances political stability, and fosters democracy. The full participation of all people—including women and girls—across all aspects of our society is essential to the economic well-being, health, and security of our Nation and of the world.

It is therefore the policy of my Administration to establish and pursue a comprehensive approach to ensure that the Federal Government is working to advance equal rights and opportunities, regardless of gender or gender identity, in advancing domestic and foreign policy—including by promoting workplace diversity, fairness, and inclusion across the Federal workforce and military. This order is intended to advance gender equity and equality, with sensitivity to the experiences of those who suffer discrimination based on multiple factors, including membership in an underserved community.

Sec. 2. *The White House Gender Policy Council.* (a) There is established a White House Gender Policy Council (Council) within the Executive Office of the President.

(b) The Council shall coordinate Federal Government efforts to advance gender equity and equality, including policies and programs to:

(i) combat systemic biases and discrimination, including sexual harassment, and to support women's human rights;

(ii) increase economic security and opportunity by addressing the structural barriers to women's participation in the labor force and by decreasing wage and wealth gaps;

(iii) address the caregiving needs of American families and support the care-workers they depend upon;

(iv) support gender equity and combat gender stereotypes in education, including promoting participation in science, technology, engineering, and math (STEM) fields;

(v) promote gender equity in leadership;

(vi) increase access to comprehensive health care, address health disparities, and promote sexual and reproductive health and rights;

(vii) empower girls;

(viii) prevent and respond to all forms of gender-based violence;

(ix) address responses to the effects of the coronavirus disease 2019 (COVID–19) on women and girls, especially those related to health, gender-based violence, educational access and attainment, and economic status;

(x) advance gender equality globally through diplomacy, development, trade, and defense;

(xi) implement United States Government commitments to women's involvement in peace and security efforts; and

(xii) recognize the needs and contributions of women and girls in humanitarian crises and in development assistance.

(c) The Council shall work across executive departments and agencies (agencies) to advance gender equity and equality and provide a coordinated Federal response on issues that have a distinct impact on gender equity and equality. The Council shall also work with each agency to ensure that agency operations are conducted in a manner that promotes gender equity and equality, to the extent permitted by law.

(d) The Council shall provide legislative and policy recommendations to the President, evaluate other proposed policies and legislation for their potential impact on issues of gender equity and equality, propose improvement in the collection of data related to gender and gender identity, and suggest changes to Federal programs or policies to address issues of significance to women and girls.

(e) The Council shall, consistent with applicable law, conduct outreach with, and consider ways to increase coordination, communication, and engagement with, representatives of a diverse range of nonprofit and community-based organizations, civil society groups, and faith-based organizations; State, local, Tribal and territorial government officials; labor unions and worker organizations; private sector representatives; foreign government officials; multilateral organizations; and other interested persons who can inform the Council's work.

(f) The Council shall be led by two Co-Chairs designated by the President, one of whom shall also serve as the Executive Director of the Council (Executive Director). The Council staff shall also include a Special Assistant to the President and Senior Advisor on Gender-Based Violence and other sufficient staff as may be necessary to carry out the provisions of this order.

(g) In addition to the Co-Chairs, the Council shall consist of the following members:

(i) the Secretary of State;

(ii) the Secretary of the Treasury;

(iii) the Secretary of Defense;

(iv) the Attorney General;

(v) the Secretary of the Interior;

(vi) the Secretary of Agriculture;

(vii) the Secretary of Commerce;

(viii) the Secretary of Labor;

(ix) the Secretary of Health and Human Services;

(x) the Secretary of Housing and Urban Development;

(xi) the Secretary of Transportation;

(xii) the Secretary of Energy;

(xiii) the Secretary of Education;

(xiv) the Secretary of Veterans Affairs;

(xv) the Secretary of Homeland Security;

(xvi) the Administrator of the Environmental Protection Agency;

(xvii) the Director of the Office of Management and Budget;

(xviii) the United States Trade Representative;

(xix) the Administrator of the Small Business Administration;

(xx) the Director of National Intelligence;

(xxi) the Representative of the United States of America to the United Nations;

(xxii) the Director of the Office of Science and Technology Policy;

(xxiii) the Assistant to the President for National Security Affairs;

(xxiv) the Assistant to the President for Domestic Policy;

(xxv) the Assistant to the President for Economic Policy;

(xxvi) the Assistant to the President on National Climate;

(xxvii) the Assistant to the President on COVID–19 Response;

(xxviii) the Chief of Staff to the Vice President;

(xxix) the Chair of the Council of Economic Advisers;

(xxx) the Chair of the Council on Environmental Quality;

(xxxi) the Director of the National Science Foundation;

(xxxii) the Administrator of General Services;

(xxxiii) the Administrator of the National Aeronautics and Space Administration;

(xxxiv) the Chair of the Equal Employment Opportunity Commission;

(xxxv) the Administrator of the United States Agency for International Development;

(xxxvi) the Director of the Office of Personnel Management; and

(xxxvii) the heads of such other agencies and offices as the Co-Chairs may from time to time invite to participate.

(h) Members of the Council shall designate, within 30 days of the date of this order, a senior official within their respective agency or office who shall coordinate with the Council and who shall be responsible for overseeing the agency's or office's efforts to advance gender equity and equality. The Director of National Intelligence shall designate a National Intelligence Officer for Gender Equality, who shall coordinate intelligence support for the Council's work on issues implicating national security. The Co-Chairs may coordinate subgroups consisting exclusively of Council members or their designees under this section, as appropriate.

(i) Each agency shall bear its own expenses for participating in the Council.

Sec. 3. *Government-Wide Strategy to Advance Gender Equity and Equality.* (a) Within 200 days of the date of this order, the Council, after coordination by the Co-Chairs, shall develop and submit to the President a Government-wide strategy for advancing gender equity and equality in the United States and, when applicable, around the world (the ''Strategy''). The Strategy should include recommendations on policies, programs, and initiatives that should be proposed, passed, or implemented to advance gender equity and equality in the United States and around the world.

(b) Recognizing the gender and racial disparities that COVID–19 has both magnified and exacerbated, in formulating its recommendations to address the effects of the COVID–19 pandemic and related economic disruption on women and girls, the Council shall coordinate with the White House Office of the COVID–19 Response and the COVID–19 Health Equity Task Force, established by section 2 of Executive Order 13995 of January 21, 2021 (Ensuring an Equitable Pandemic Response and Recovery).

(c) In developing the Strategy, the Council shall consider the unique experiences and needs of women and girls who are also members of other underserved communities. In implementing this approach, the Council shall work closely with the Domestic Policy Council, which coordinates the interagency, whole-of-government strategy for advancing equity, as set forth in Executive Order 13985 of January 20, 2021 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government).

Sec. 4. *Implementation.* (a) After the Strategy has been submitted to the President, the heads of agencies, or their designees, shall, in consultation with the Council and the Office of Management and Budget (OMB), select

certain of their respective agency's programs and policies for review for consistency with the Strategy. As appropriate and consistent with law, the heads of agencies shall suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding, any directives, orders, regulations, policies, or guidance inconsistent with the Strategy. As appropriate, the heads of agencies shall consult with the Attorney General to the extent that any proposed actions require consultation or review under Executive Order 12250 of November 2, 1980 (Leadership and Coordination of Nondiscrimination Laws). As part of its review, the Administrator of the United States Agency for International Development shall, as appropriate and consistent with law, review the 2020 Gender Equality and Women's Empowerment Policy and revise or rescind it as appropriate.

(b) The Council shall coordinate a comprehensive, interagency response to gender-based violence at home and abroad, including intervention, prevention, and public health strategies to reduce incidence and impacts. The Special Assistant to the President and Senior Advisor on Gender-Based Violence, working with the Executive Director, shall create a National Action Plan to End Gender-Based Violence that establishes a Government-wide approach to preventing and addressing gender-based violence in the United States and shall work, in conjunction with the Assistant to the President for National Security Affairs, to lead a comprehensive, interagency review and update of the 2016 United States Strategy to Prevent and Respond to Gender-Based Violence Globally, as appropriate and consistent with law.

(c) Following the submission of the Strategy developed pursuant to section 3 of this order, the heads of agencies shall report to the Council semi-annually, and the Council shall prepare an annual report for submission to the President—a version of which shall be made public—on progress made in implementing the Strategy.

(d) The Council shall coordinate with the Domestic Policy Council, OMB, and other agencies and offices to advance my Administration's efforts to achieve greater equity as set forth in Executive Order 13985. In particular, among other things, the Council shall coordinate with the Interagency Working Group on Equitable Data, established in section 9 of Executive Order 13985.

(e) The Council shall coordinate with the National Security Council on all issues related to gender equality globally, including women's economic participation, health, and involvement in peace and security efforts.

(f) Consistent with section 6 of Executive Order 13985, the Director of OMB shall identify opportunities to promote gender equity and equality in the budget that the President submits to the Congress.

(g) The heads of agencies, interagency working groups, and task forces shall assist and provide information to the Council, as appropriate and consistent with applicable law, as may be helpful to carry out the functions of the Council.

Sec. 5. *Termination.* The Working Group created by section 2 of the Presidential Memorandum of February 7, 2019 (Promoting Women's Global Development and Prosperity) (NSPM–16), is terminated. NSPM–16 is amended by substituting, in section 3(e), ''the Council'' for ''the Working Group''.

Sec. 6. *Definitions.* (a) The term ''equity'' means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as women and girls; Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders, and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

(b) The term ''underserved communities'' refers to populations sharing a particular characteristic, as well as geographic communities, that have

been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of ''equity.''

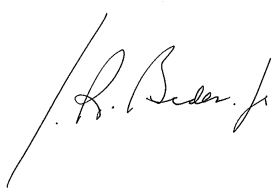
Sec. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

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

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



THE WHITE HOUSE,
March 8, 2021.

[FR Doc. 2021–05183
Filed 3–10–21; 8:45 am]
Billing code 3295–F1–P

Presidential Documents

Executive Order 14021 of March 8, 2021

Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* It is the policy of my Administration that all students should be guaranteed an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity. For students attending schools and other educational institutions that receive Federal financial assistance, this guarantee is codified, in part, in Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.,* which prohibits discrimination on the basis of sex in education programs or activities receiving Federal financial assistance.

Sec. 2. *Review of Agency Actions.* (a) Within 100 days of the date of this order, the Secretary of Education, in consultation with the Attorney General, shall review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that are or may be inconsistent with the policy set forth in section 1 of this order, and provide the findings of this review to the Director of the Office of Management and Budget.

(i) As part of the review required under subsection (a) of this section, the Secretary of Education shall review the rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,'' 85 FR 30026 (May 19, 2020), and any other agency actions taken pursuant to that rule, for consistency with governing law, including Title IX, and with the policy set forth in section 1 of this order.

(ii) As soon as practicable, and as appropriate and consistent with applicable law, the Secretary of Education shall review existing guidance and issue new guidance as needed on the implementation of the rule described in subsection (a)(i) of this section, for consistency with governing law, including Title IX, and with the policy set forth in section 1 of this order.

(iii) The Secretary of Education shall consider suspending, revising, or rescinding—or publishing for notice and comment proposed rules suspending, revising, or rescinding—those agency actions that are inconsistent with the policy set forth in section 1 of this order as soon as practicable and as appropriate and consistent with applicable law, and may issue such requests for information as would facilitate doing so.

(b) The Secretary of Education shall consider taking additional enforcement actions, as appropriate and consistent with applicable law, to enforce the policy set forth in section 1 of this order as well as legal prohibitions on sex discrimination in the form of sexual harassment, which encompasses sexual violence, to the fullest extent permissible under law; to account for intersecting forms of prohibited discrimination that can affect the availability of resources and support for students who have experienced sex discrimination, including discrimination on the basis of race, disability, and national origin; to account for the significant rates at which students

who identify as lesbian, gay, bisexual, transgender, and queer (LGBTQ+) are subject to sexual harassment, which encompasses sexual violence; to ensure that educational institutions are providing appropriate support for students who have experienced sex discrimination; and to ensure that their school procedures are fair and equitable for all.

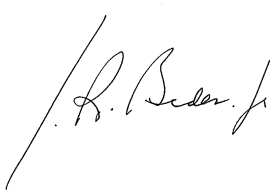
Sec. 3. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

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

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



THE WHITE HOUSE,
March 8, 2021.

[FR Doc. 2021–05200
Filed 3–10–21; 8:45 am]
Billing code 3295–F1–P

Rules and Regulations

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

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FEDERAL RESERVE SYSTEM

12 CFR Part 228

[Docket No. R–1735]

RIN 7100–AG05

Community Reinvestment Act Regulations (Regulation BB); Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Correcting amendment(s).

SUMMARY: On December 23, 2020, the Board of Governors of the Federal Reserve System (Board) published final asset threshold adjustments to Regulation BB, which implements the Community Investment Act (CRA). The Board is correcting a typographical error in the regulatory text adjusting the asset-size threshold for Board-supervised intermediate small banks.

DATES: Effective March 11, 2021.

FOR FURTHER INFORMATION CONTACT: Amal S. Patel, Counsel, (202) 912–7879, or Cathy Gates, Senior Project Manager, (202) 452–2099, Division of Consumer and Community Affairs; or Gavin L. Smith, Senior Counsel, (202) 452–3474, Legal Division.

SUPPLEMENTARY INFORMATION: The Board is correcting an error in the Regulation BB regulatory text of the CRA final rule published on December 23, 2020 (85 FR 83747).

In the **SUPPLEMENTARY INFORMATION** of the CRA final rule, the Board and the FDIC correctly indicated that beginning January 1, 2021, banks that, as of December 31 of either of the prior two calendar years, had assets of less than $1.322 billion are small banks and that small banks with assets of at least $330 million as of December 31 of both of the prior two calendar years and less than $1.322 billion as of December 31 of either of the prior two calendar years are intermediate small banks. However, due to an inadvertent typographical error, the text of the Board's Regulation BB incorrectly specified the lower-end of the asset-size range for intermediate small banks. Accordingly, the Board is issuing this notification to correct the regulatory text so that it includes the correct asset-size range for intermediate small banks, as described in the **SUPPLEMENTARY INFORMATION** of the CRA final rule.

List of Subjects in 12 CFR Part 228

Banks, banking, Community development, Credit, Investments, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the **SUPPLEMENTARY INFORMATION** the Board corrects 12 CFR part 228 as follows:

PART 228—COMMUNITY REINVESTMENT (REGULATION BB)

■ 1. The authority citation for part 228 continues to read as follows:

Authority: 12 U.S.C. 321, 325, 1828(c), 1842, 1843, 1844, and 2901 *et seq.*

■ 2. In § 228.12, revise paragraph (u)(1) to read as follows:

§ 228.12 Definitions.

* * * * *

(u) * * *

(1) *Definition. Small bank* means a bank that, as of December 31 of either of the prior two calendar years, had assets of less than $1.322 billion. *Intermediate small bank* means a small bank with assets of at least $330 million as of December 31 of both of the prior two calendar years and less than $1.322 billion as of December 31 of either of the prior two calendar years.

* * * * *

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority.

Ann Misback,

Secretary of the Board.

[FR Doc. 2021–05085 Filed 3–10–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0974; Project Identifier MCAI–2020–00273–R; Amendment 39–21392; AD 2021–02–09]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model EC 155B and EC155B1 helicopters. This AD was prompted by a report that non-destructive tests of the main gearbox (MGB) housing may have been evaluated incorrectly during production. This AD requires replacing affected MGBs with serviceable MGBs, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 15, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 15, 2021.

ADDRESSES: For 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 material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0974.

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–2020–0974; 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: Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 470 L'Enfant Plaza SW, Washington DC 20024; telephone 202–267–9167; email *hal.jensen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0043, dated March 2, 2020 (EASA AD 2020–0043) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Model EC 155 B and EC 155 B1 helicopters.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Model EC 155B and EC155B1 helicopters. The NPRM published in the **Federal Register** on November 2, 2020 (85 FR 69267). The NPRM was prompted by a report that non-destructive tests of the MGB housing may have been evaluated incorrectly during production. The NPRM proposed to require replacing affected MGBs with serviceable MGBs, as specified in an EASA AD.

The FAA is issuing this AD to address failure of the affected MGB housing, possibly resulting in reduced control of the helicopter. 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 2020–0043 describes procedures for replacing affected MGBs with serviceable MGBs.

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.

Differences Between This AD and the MCAI

EASA AD 2020–0043 specifies to do the replacement ''within 10 flight hours or 75 days, whichever occurs first.'' The compliance time for this AD is within 10 hours time-in-service.

Costs of Compliance

The FAA estimates that this AD affects 18 helicopters 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
40 work-hours × $85 per hour = $3,400	$141,137	$144,537	$2,601,666

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:

2021–02–09 Airbus Helicopters: Amendment 39–21392; Docket No. FAA–2020–0974; Project Identifier MCAI–2020–00273–R.

(a) Effective Date

This airworthiness directive (AD) is effective April 15, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model EC 155B and EC155B1 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6320, Main Rotor Gearbox.

(e) Reason

This AD was prompted by a report that non-destructive tests of the main gearbox (MGB) housing may have been evaluated incorrectly during production. The FAA is issuing this AD to address failure of the affected MGB housing, possibly resulting in reduced control of the helicopter.

(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 2020–0043, dated March 2, 2020 (EASA AD 2020–0043).

(h) Exceptions to EASA AD 2020–0043

(1) Where EASA AD 2020–0043 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2020–0043 specifies to do the replacement ''within 10 flight hours or 75 days, whichever occurs first after the effective date of this AD,'' for this AD, the compliance time for the replacement is within 10 hours time-in-service after the effective date of this AD.

(3) Although the service information referenced in EASA AD 2020–0043 specifies to return certain parts, this AD does not include that requirement.

(4) The ''Remarks'' section of EASA AD 2020–0043 does not apply to this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the Strategic Policy Rotorcraft Section, send it to: Manager, Strategic Policy Rotorcraft Section, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110. Information may be emailed to: *9-ASW-FTW-AMOC-Requests@faa.gov.*

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

(j) Related Information

For more information about this AD, contact Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 470 L'Enfant Plaza SW, Washington, DC 20024; telephone 202–267–9167; email *hal.jensen@faa.gov.*

(k) 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) European Union Aviation Safety Agency (EASA) AD 2020–0043, dated March 2, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0043, 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.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. 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–2020–0974.

(5) 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 12, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05089 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1118; Project Identifier MCAI–2020–00516–E; Amendment 39–21451; AD 2021–05–08]

RIN 2120–AA64

Airworthiness Directives; Safran Helicopter Engines, S.A. (Type Certificate Previously Held by Turbomeca, S.A.) Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Safran Helicopter Engines, S.A. Arriel 2C, 2C1, 2S1, and 2S2 model turboshaft engines. This AD was prompted by investigations by the manufacturer following level 1 failures in flight (minor anomalies) and level 2 failures on the ground (minor failures), where cracks were found on the soldered joints of torque conformation boxes. This AD requires performing initial and repetitive inspections of the resistance values of the torque conformation box and, depending on the results of the inspections, replacement of the torque conformation box. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 15, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 15, 2021.

ADDRESSES: For service information identified in this final rule, contact Safran Helicopter Engines, S.A., Avenue du 1er Mai, Tarnos, France; phone: +33 (0) 5 59 74 45 11. 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–2020–1118.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1118; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), 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: Wego Wang, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7134; fax: (781) 238–7199; email: *wego.wang@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 all Safran Helicopter Engines, S.A. Arriel 2C, 2C1, 2S1, and 2S2 model turboshaft engines. The NPRM published in the **Federal Register** on

December 10, 2020 (85 FR 79438). The NPRM was prompted by investigations by the manufacturer following level 1 failures in flight (minor anomalies) and level 2 failures on the ground (minor failures), where cracks were found on the soldered joints of torque conformation boxes. In the NPRM, the FAA proposed to require performing initial and repetitive inspections of the resistance values of the torque conformation box and, depending on the results of the inspections, replacement of the torque conformation box. The FAA is issuing this AD to address the unsafe condition on these products.

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2019–0110, dated May 21, 2019 (referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

> It was reported that, during investigations following level 1 failures in flight (minor anomalies) and level 2 failures on the ground (minor failures), cracks were found on the soldered joints of certain torque conformation boxes. Although no events in operation were reported of One Engine Inoperative (OEI) ratings maximum power unavailability, the failure mode analysis for these boxes demonstrated that such event could not be excluded. This condition, if not detected and corrected, could lead to engine in-flight shut-down, possibly resulting in reduced control of the helicopter.
>
> To address this potential unsafe condition, SAFRAN Helicopter Engines issued the SB [Service Bulletin], to provide instructions for repetitive checks of the box resistance values. For the reasons described above, this [EASA] AD requires repetitive checks of the affected part and, depending on findings, replacement of the affected part with a serviceable part.

You may obtain further information by examining the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1118.

Discussion of Final Airworthiness Directive Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

The FAA reviewed the relevant data 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. This AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Safran Helicopter Engines Mandatory Service Bulletin (MSB) No. 292 72 2868, Version A, dated December 2018. This service information specifies procedures for performing an inspection of the resistance values of the torque conformation box. 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 257 engines installed on helicopters 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
Inspect resistance values of the torque conformation box.	1 work-hour × $85 per hour = $85	$0	$85	$21,845

The FAA estimates the following costs to do any necessary replacement that would be required based on the results of the inspections. The agency has no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace the torque conformation box	1 work-hour × $85 per hour = $85	$1,841	$1,926

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals.

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 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:

2021–05–08 Safran Helicopter Engines, S.A. (Type Certificate previously held by Turbomeca, S.A.): Amendment 39–21451; Docket No. FAA–2020–1118; Project Identifier MCAI–2020–00516–E.

(a) Effective Date

This airworthiness directive (AD) is effective April 15, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Safran Helicopter Engines, S.A. (Type Certificate previously held by Turbomeca, S.A.) Arriel 2C, 2C1, 2S1, and 2S2 model turboshaft engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7712, Engine BMEP/Torque Indicating.

(e) Unsafe Condition

This AD was prompted by investigations by the manufacturer following level 1 failures in flight (minor anomalies) and level 2 failures on the ground (minor failures), where cracks were found on the soldered joints of torque conformation boxes. The FAA is issuing this AD to prevent failure of the torque conformation box. The unsafe condition, if not addressed, could result in failure of the engine, in-flight shutdown, and loss of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) For engines with the torque conformation box in pre-modification TU 34 configuration, installed on Arriel 2C and 2C1 model turboshaft engines; pre-modification TU 34 or post-modification TU 188 configuration, installed on Arriel 2S1 model turboshaft engines; or post-modification TU 188 configuration, installed on Arriel 2S2 model turboshaft engines:

(i) Within 600 engine hours (EHs) or 180 days after the effective date of this AD, whichever occurs first, perform an initial inspection of the resistance values of the torque conformation box.

Note 1 to paragraph (g)(1)(i): You may delay the initial inspection by up to 60 EHs to align with other scheduled maintenance tasks.

(ii) Thereafter, perform repetitive inspections of the resistance values of the torque conformation box before exceeding 600 EHs since the last inspection of the resistance values of the torque conformation box.

(2) Use the Accomplishment Instructions, paragraph 2.3.2 or 4.3.2, of Safran Helicopter Engines Mandatory Service Bulletin No. 292 72 2868, Version A, dated December 2018, to perform the inspections of the resistance values of the torque conformation box required by paragraph (g)(1) of this AD.

(3) If, during any inspection required by paragraph (g)(1) of this AD, a non-conforming resistance value is found, before further flight, remove the torque conformation box from service and replace it with a part eligible for installation.

(h) Definition

For the purpose of this AD, a ''part eligible for installation'' is a zero hour torque conformation box or a torque conformation box that has been inspected as required by paragraph (g)(1) of this AD.

(i) 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.

(j) Related Information

(1) For more information about this AD, contact Wego Wang, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7134; fax: (781) 238–7199; email: *wego.wang@faa.gov*.

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2019–0110, dated May 21, 2019, for more information. You may examine the EASA AD in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1118.

(k) 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) Safran Helicopter Engines Mandatory Service Bulletin No. 292 72 2868, Version A, dated December 2018.

(ii) [Reserved]

(3) For Safran Helicopter Engines service information identified in this AD, contact Safran Helicopter Engines, S.A., Avenue du 1er Mai, Tarnos, France; phone: +33 (0) 5 59 74 45 11.

(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 February 19, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05046 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0967; Product Identifier 2018–SW–013–AD; Amendment 39–21394; AD 2021–02–11]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Airbus Helicopters Deutschland GmbH Model MBB–BK117 A–1, MBB–BK117 A–3, MBB–BK117 A–4, MBB–BK117 B–1, MBB–BK117 B–2, MBB–BK117 C–1, and MBB–BK117 C–2 helicopters. This AD requires inspecting the tail gearbox (TGB) bellcrank attachment arm (arm) for a crack. This AD was prompted by a report of a cracked TGB arm. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective April 15, 2021.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of April 15, 2021.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0967.

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–2020–0967; 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 AD, the European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, any service information that is incorporated by reference, any comments received, and other information. The street 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: Kristi Bradley, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *kristin.bradley@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 Airbus Helicopters Deutschland GmbH Model MBB–BK117 A–1, MBB–BK117 A–3, MBB–BK117 A–4, MBB–BK117 B–1, MBB–BK117 B–2, MBB–BK117 C–1, and MBB–BK117 C–2 helicopters. The NPRM published in the **Federal Register** on October 26, 2020 (85 FR 67694). The NPRM proposed to require dye-penetrant inspecting the TGB arm for a crack and for any dent, nick, and scratch, and depending on the inspection results, replacing the TGB, removing the surface material up to 0.2 mm using 80-grit abrasive paper and repeating the dye penetrant inspection, or finishing the surface with 600-grit or finer abrasive paper. The proposed requirements were intended to detect a crack in the TGB arm.

The NPRM was prompted by EASA AD No. 2018–0046, dated February 19, 2018, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Airbus Helicopters Deutschland GmbH (AHD) (formerly Eurocopter Deutschland GmbH, Eurocopter Hubschrauber GmbH, Messerschmitt-Bölkow-Blohm GmbH), Airbus Helicopters Inc. (formerly American Eurocopter LLC) Model MBB–BK117 A–1, MBB–BK117 A–3, MBB–BK117 A–4, MBB–BK117 B–1, MBB–BK117 B–2, MBB–BK117 C–1, and MBB–BK117 C–2 helicopters. EASA advises that a crack was detected on a Model MBB–BK117 A–4 TGB arm and that this condition, if not corrected, could result in disconnection of the arm from the TGB and possible loss of control of the helicopter. To address this unsafe condition, the EASA AD requires an inspection of the TGB arm for a crack and for surface anomalies.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received comments from two commenters in support of the NPRM.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in its AD. The FAA is issuing this AD after evaluating all of the information provided by EASA and determining the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Differences Between This AD and the EASA AD

The EASA AD requires operators to contact Airbus Helicopters if there is a crack or if there is damage that cannot be repaired by removing surface material, whereas this AD requires replacing the TGB instead.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin (ASB) MBB–BK117 C–2–65A–008 for Model MBB–BK117 C–2 helicopters and ASB MBB–BK117–30A–120 for Model MBB–BK117 A–1, MBB–BK117 A–3, MBB–BK117 A–4, MBB–BK117 B–1, MBB–BK117 B–2, and MBB–BK117 C–1 helicopters, each Revision 0 and dated January 31, 2018. The service information contains procedures for inspecting the TGB arm for a crack and surface anomalies.

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 177 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs in order to comply with this AD.

Removing the surface coating and inspecting the TGB arm for a crack takes about 2 work-hours and the cost of materials is minimal, for an estimated cost of $170 per helicopter and $30,090 for the U.S. fleet.

If required, reworking the TGB arm takes about 1 work-hour and the cost of materials is minimal, for an estimated cost of $85 per helicopter. Replacing a TGB with a cracked arm takes about 4.5 work-hours and costs about $69,000 for required parts, for an estimated cost of $69,383 per helicopter.

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 helicopters 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:

2021–02–11 Airbus Helicopters Deutschland GmbH: Amendment 39–21394; Docket No. FAA–2020–0967; Product Identifier 2018–SW–013–AD.

(a) Applicability

This airworthiness directive (AD) applies to Airbus Helicopters Deutschland GmbH Model MBB–BK117 A–1, MBB–BK117 A–3, MBB–BK117 A–4, MBB–BK117 B–1, MBB–BK117 B–2, MBB–BK117 C–1, and MBB–BK117 C–2 helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a tail gearbox (TGB) bellcrank attachment arm. This condition could result in disconnection of the bellcrank attachment arm from the TGB and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective April 15, 2021.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

Within 100 hours time-in-service:

(1) Remove the surface coating from the TGB bellcrank attachment arm and using a 5X or higher power magnifying glass, dye-penetrant inspect the TGB arm for a crack and for any dent, nick, and scratch in the area shown in Figure 1 of Airbus Helicopters Alert Service Bulletin (ASB) MBB–BK117 C–2–65A–008 or ASB MBB–BK117–30A–120, each Revision 0 and dated January 31, 2018, as applicable to your model helicopter.

(2) If there is a crack, before further flight, replace the TGB.

(3) If there is a dent, a nick, or a scratch, before further flight, remove the surface material up to 0.2 mm using 80-grit abrasive paper and repeat the dye penetrant inspection. If there is a crack or if the damage cannot be removed, before further flight, replace the TGB.

(4) If there is no crack and no dent, nick, or scratch, before further flight, finish the surface with 600-grit or finer abrasive paper.

(f) Special Flight Permits

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Kristi Bradley, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *9-AVS-AIR-730-AMOC@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD No. 2018–0046, dated February 19, 2018. You may view the EASA AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2020–0967.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6520, Tail Rotor Gearbox.

(j) Material Incorporated by Reference

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

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

(i) Airbus Helicopters Alert Service Bulletin (ASB) MBB–BK117 C–2–65A–008, Revision 0, dated January 31, 2018.

(ii) Airbus Helicopters ASB MBB–BK117–30A–120, Revision 0, dated January 31, 2018.

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

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

(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 14, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05090 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1018; Project Identifier MCAI–2020–01383–R; Amendment 39–21391; AD 2021–02–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2018–19–01, which applied to all Airbus Helicopters Model AS–365N2, AS 365 N3, EC 155B, EC155B1, SA–365N1, and SA–366G1 helicopters. AD 2018–19–01 required repetitive inspections of the aft fuselage outer skin. This AD continues to require repetitive inspections and adds Model SA–365N helicopters, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD was prompted by aft fuselage (baggage compartment area) outer skin disbonding and a determination that Model SA–365N helicopters are also affected by the unsafe condition identified in AD 2018–19–01. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 15, 2021.

The Director of the Federal Register approved the incorporation by reference

of certain publications listed in this AD as of April 15, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of October 22, 2018 (83 FR 46862, September 17, 2018).

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 material on the EASA website at *https://ad.easa.europa.eu.* For Airbus Helicopters service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *https://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1018.

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–2020–1018; 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: Kathleen Arrigotti, Aviation Safety Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0080, dated April 3, 2019 (EASA AD 2019–0080) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Model AS–365N2, AS 365 N3, EC 155B, EC155B1, SA–365N, and SA–365N1 helicopters.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2018–19–01, Amendment 39–19401 (83 FR 46862, September 17, 2018) (AD 2018–19–01). AD 2018–19–01 applied to all Airbus Helicopters Model AS 365N2, AS 365 N3, EC 155B, EC155B1, SA–365N1, and SA–366G1 helicopters. The NPRM published in the **Federal Register** on November 10, 2020 (85 FR 71580). The NPRM was prompted by a determination that Model SA–365N helicopters are also affected by the unsafe condition identified in AD 2018–19–01. The NPRM proposed to continue to require repetitive inspections and add Model SA–365N helicopters, as specified in an EASA AD.

The FAA is issuing this AD to address disbonding of the aft fuselage outer skin. This condition could result in loss of aft fuselage structural integrity and subsequent loss of control of the helicopter. 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 2019–0080 describes procedures for repetitive inspections of the aft fuselage outer skin for Model AS–365N2, AS 365 N3, EC 155B, EC155B1, SA–365N, and SA–365N1 helicopters.

Airbus Helicopters Alert Service Bulletin (ASB) No. SA366–05.48, Revision 1, dated March 27, 2019, describes procedures for repetitive inspections of the aft fuselage outer skin for Model SA366–G1 helicopters.

This AD also requires Airbus Helicopters ASB No. SA366–05.48, Revision 0, dated July 21, 2017, which the Director of the Federal Register approved for incorporation by reference as of October 22, 2018 (83 FR 46862, September 17, 2018).

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.

Differences Between This AD and the MCAI

The applicability of EASA AD 2019–0080 does not include Airbus Helicopters Model SA–366G1 helicopters. Those helicopters are no longer listed on the EASA type certificate data sheet (TCDS); however, they are still listed on the U.S. TCDS and are affected by the unsafe condition. Therefore, the FAA has included Airbus Helicopters Model SA–366G1 helicopters in the applicability of this AD.

Costs of Compliance

The FAA estimates that this AD affects 52 helicopters 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
4 work-hours × $85 per hour = $340	$0	$340	$17,680

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 10 work-hours × $85 per hour = $850	Up to $20,000	$20,850

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 removing Airworthiness Directive (AD) 2018–19–01, Amendment 39–19401 (83 FR 46862, September 17, 2018), and adding the following new AD:

2021–02–08 Airbus Helicopters: Amendment 39–21391; Docket No. FAA–2020–1018; Project Identifier MCAI–2020–01383–R.

(a) Effective Date

This airworthiness directive (AD) is effective April 15, 2021.

(b) Affected ADs

This AD replaces AD 2018–19–01, Amendment 39–19401 (83 FR 46862, September 17, 2018) (AD 2018–19–01).

(c) Applicability

This AD applies to Airbus Helicopters Model AS–365N2, AS 365 N3, EC 155B, EC155B1, SA–365N, SA–365N1, and SA–366G1 helicopters, certificated in any category, all serial numbers.

(d) Subject

Joint Aircraft System Component (JASC) Code 5300, Fuselage Structure.

(e) Reason

This AD was prompted by aft fuselage (baggage compartment area) outer skin disbonding and a determination that Model SA–365N helicopters are also affected by the unsafe condition identified in AD 2018–19–01. The FAA is issuing this AD to address disbonding of the aft fuselage outer skin. This condition could result in loss of aft fuselage structural integrity and subsequent loss of control of the helicopter.

(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 2019–0080, dated April 3, 2019 (EASA AD 2019–0080).

(h) Exceptions to EASA AD 2019–0080

(1) Where EASA AD 2019–0080 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2019–0080 refers to September 19, 2017 (the effective date of EASA AD 2017–0165), this AD requires using October 22, 2018 (the effective date of AD 2018–19–01).

(3) For Airbus Helicopters Model SA–366G1 helicopters: Where EASA AD 2019–0080 refers to ''the instructions of the applicable ASB,'' use Airbus Helicopters Alert Service Bulletin (ASB) No. SA366–05.48, Revision 0, dated July 21, 2017; or Airbus Helicopters ASB No. SA366–05.48, Revision 1, dated March 27, 2019.

(4) Where EASA AD 2019–0080 refers to Group 1 helicopters, for this AD, Model SA–366G1 helicopters are considered Group 1 helicopters.

(5) Paragraph (5) of EASA AD 2019–0080 specifies to ''contact AH [Airbus Helicopters] for approved skin panel repair or replacement instructions and accomplish those instructions accordingly.'' For this AD, for any repair or replacement of the panel done before the effective date of this AD, it is not required to contact Airbus Helicopters. For any repair or replacement of the panel done on or after the effective date of this AD, the repair or replacement must be done using a method approved by the Manager, Strategic Policy Rotorcraft Section, FAA. For a repair or replacement method to be approved by the Manager, Strategic Policy Rotorcraft Section, FAA, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

(6) The ''Remarks'' section of EASA AD 2019–0080 does not apply to this AD.

(7) Where EASA AD 2019–0080 refers to flight hours (FH), this AD requires using hours time-in-service.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the Strategic Policy Rotorcraft Section, send it to: Manager, Strategic Policy Rotorcraft Section, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110. Information may be emailed to: *9-ASW-FTW-AMOC-Requests@faa.gov.*

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

(j) Related Information

For more information about this AD, contact Kathleen Arrigotti, Aviation Safety Engineer, Large Aircraft Section,

International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.*

(k) 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 April 15, 2021.

(i) Airbus Helicopters Alert Service Bulletin (ASB) No. SA366–05.48, Revision 1, dated March 27, 2019.

(ii) European Union Aviation Safety Agency (EASA) AD 2019–0080, dated April 3, 2019.

(4) The following service information was approved for IBR on October 22, 2018 (83 FR 46862, September 17, 2018).

(i) Airbus Helicopters ASB No. SA366–05.48, Revision 0, dated July 21, 2017.

(ii) [Reserved]

(5) For EASA AD 2019–0080, 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 Airbus Helicopters service information, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *https://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.*

(7) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. 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–2020–1018.

(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 12, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05091 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0025; Project Identifier MCAI–2020–01248–R; Amendment 39–21422; AD 2021–04–01]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. (Leonardo) Model AB139 and AW139 helicopters. This AD requires removing certain forward facing center seats (seats). This AD was prompted by a design deficiency that affects seats on certain main cabin floor installations. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD becomes effective March 26, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of March 26, 2021.

The FAA must receive comments on this AD by April 26, 2021.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *https://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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–2021–0025; 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 AD, the European Union Aviation Safety Agency (EASA) AD, any service information that is incorporated by reference, 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 service information identified in this final rule, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0025.

FOR FURTHER INFORMATION CONTACT: John Miller, Aviation Safety Engineer, Certification Section, Fort Worth ACO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5140; email *john.m.miller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include the docket number FAA–2021–0025 and Project Identifier MCAI–2020–01248–R at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and

that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to John Miller, Aviation Safety Engineer, Certification Section, Fort Worth ACO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5140; email *john.m.miller@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

EASA, which is the Technical Agent for the Member States of the European Union, has issued AD No. 2020–0191, dated September 4, 2020 (EASA AD 2020–0191), to correct an unsafe condition for Leonardo Model AB139 and AW139 helicopters, serial number (S/N) 31400 to 31882 inclusive, and S/N 41300 to 41570 inclusive, if a passenger cabin floor is installed, composed of 3 panels, and with the first row central seat(s) facing forward. EASA advises that a design deficiency has been identified that affects some specific main cabin floor panel installations. EASA further advises that this condition, if not corrected, could, in the case of an emergency landing, lead to failure of the affected seats, possibly resulting in injury to helicopter occupants. Accordingly, EASA AD 2020–0191 requires removing the affected seats as identified by configuration in Leonardo Alert Service Bulletin No. 139–633, Rev. A, dated September 2, 2020 (ASB 139–633). The EASA AD also provides an alternative to the seat removal for configurations which require the removal of 2 seats, which consists of modifying the helicopter to a different approved seating configuration. EASA states its AD is considered an interim action and further AD action may follow.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

Leonardo has issued ASB 139–633, which specifies removing the seats of all the affected cabin 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.

AD Requirements

This AD requires removing each seat within 50 hours time-in-service (TIS).

Interim Action

The FAA considers this AD to be an interim action. The design approval holder is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, the FAA might consider additional rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 61 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs in order to comply with this AD.

Removing each affected seat takes about 1 work-hour for an estimated cost of $85 per seat and up to $10,370 for the U.S. fleet. There would be no parts costs.

FAA's Justification and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C.) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because removing each seat is required within 50 hours TIS, which is a short compliance time for these high usage helicopters, some of which could reach these hours within 45 calendar days. Therefore, notice and opportunity for prior public comment are impracticable and contrary to public interest pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the reasons stated above, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

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, I certify that this AD:

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

2. Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–04–01 Leonardo S.p.a.: Amendment 39–21422; Docket No. FAA–2021–0025; Project Identifier MCAI–2020–01248–R.

(a) Applicability

This Airworthiness Directive (AD) applies to Leonardo S.p.a. (Leonardo) Model AB139 and AW139 helicopters, serial number (S/N) 31400 through 31882 inclusive, and S/N 41300 through 41570 inclusive, certificated in any category, with one or two forward facing first row center seat/seats (seat) and a cabin floor composed of 3 panels, and identified by configuration in Figures 1 through 13 of Leonardo Alert Service Bulletin No. 139–633, Rev. A, dated September 2, 2020 (ASB 139–633) installed.

(b) Unsafe Condition

This AD defines the unsafe condition as a design deficiency, which if not corrected, could lead to failure of the seat during an emergency landing and subsequent injury to a helicopter occupant.

(c) Affected ADs

None.

(d) Effective Date

This AD becomes effective March 26, 2021.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Action

Remove each seat within 50 hours time-in-service.

(g) Special Flight Permits

A special flight permit may be permitted provided that there is no passenger in the seat.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, FAA, may approve AMOCs for this AD. Send your proposal to: Manager, Strategic Policy Rotorcraft Section, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(i) Additional Information

The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD No. 2020–0191, dated September 4, 2020. You may view the EASA AD on the internet at *https://www.regulations.gov* by searching for and locating it in Docket No. FAA–2021–0025.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 2500 Cabin Equipment/Furnishings.

(k) Material Incorporated by Reference

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

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

(i) Leonardo Alert Service Bulletin No. 139–633, Rev. A, dated September 2, 2020.

(ii) [Reserved]

(3) For service information identified in this AD, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.*

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

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

Issued on February 1, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05199 Filed 3–9–21; 2:00 pm]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2020–0102; FRL–10021–39–Region 4]

Air Plan Approval; KY; Jefferson County; Gasoline Loading Facilities at Existing Bulk Terminals and New Bulk Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Jefferson County portion of the Kentucky State Implementation Plan (SIP), submitted by the Commonwealth of Kentucky, through the Energy and Environment Cabinet (Cabinet) on September 5, 2019. The revisions were submitted by the Cabinet on behalf of the Louisville Metro Air Pollution Control District (District) and include amendments related to the standards for existing gasoline loading facilities at bulk terminals and new gasoline loading facilities at bulk plants. The amendments to these standards replace a requirement for gasoline tank trucks to possess a valid Kentucky pressure vacuum test sticker with a requirement for specific vapor tightness testing and recordkeeping procedures, clarify rule applicability, and remove language stating that a pressure measuring device will be supplied by the District. EPA is approving the revisions because they are consistent with the Clean Air Act (CAA or Act).

DATES: This rule is effective April 12, 2021.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2020–0102. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials can either be retrieved electronically via *www.regulations.gov* or in hard copy at the at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sarah LaRocca, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8994. Ms. LaRocca can also be reached

via electronic mail at *larocca.sarah@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. EPA's Action

EPA is approving changes to Regulation 6.21, *Standard of Performance for Existing Gasoline Loading Facilities at Bulk Terminals,* and Regulation 7.20, *Standard of Performance for New Gasoline Loading Facilities at Bulk Plants,* of the Jefferson County portion of the Kentucky SIP, submitted by the Commonwealth of Kentucky on September 5, 2019. The amendments replace the requirement for tank trucks being loaded at bulk terminals and plants to possess a valid Kentucky pressure vacuum test sticker with specific vapor tightness testing and recordkeeping requirements and make minor, non-substantive changes as discussed in section II. These SIP revisions update the current SIP-approved versions of Regulation 6.21 (Version 2) and Regulation 7.20 (Version 2) to Version 3.

II. EPA's Analysis of the Revisions

The District's September 5, 2019, SIP revisions include changes to Regulation 6.21 and Regulation 7.20 related to standards for existing gasoline loading facilities at bulk terminals and standards for new gasoline loading facilities at bulk plants, respectively, as described below. The District notes that it enacted these regulations to control volatile organic compound emissions from gasoline loading facilities and that Regulations Parts 6 and 7 apply more stringent standards to a broader cross-section of sources than the Federal New Source Performance Standards (NSPS).[1]

The District has revised Regulation 6.21 and Regulation 7.20 to discontinue the practice of requiring gasoline transport vehicles to display a Kentucky pressure vacuum test sticker. Specifically, the revisions to Regulation 6.21 and Regulation 7.20 delete the text of subsection 3.6.4 and subsection 3.11.1, respectively, which provide that no owner or operator of a bulk gasoline terminal or plant subject to these regulations may allow a tank truck or trailer to be loaded with gasoline unless the vehicle has ''a valid Kentucky pressure-vacuum test sticker as required by Regulation 6.37 attached and visibly displayed.'' [2] This requirement is replaced with specific procedures for assuring that tank trucks and their associated vapor collection systems have passed the required vapor tightness test on an annual basis. New subsection 3.6.4.1 of Regulation 6.21 and subsection 3.11.1.1 of Regulation 7.20 state that no owner or operator of an existing bulk gasoline terminal or a new bulk gasoline plant shall allow loading unless the gasoline tank truck and its vapor collection system has demonstrated a pressure change within specific parameters.

The SIP revision also adds a new subsection 3.6.4.2 of Regulation 6.21 and a new subsection 3.11.1.2 of Regulation 7.20 to specify the testing procedures that must be used to assure compliance with the new vapor tightness requirements. As approved for incorporation into the SIP, these subsections require that EPA Method 27, ''Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure Vacuum Test,'' as specified in 40 CFR part 60, appendix A, on July 1, 1991, shall be used to determine compliance with subsection 3.6.4.1 of Regulation 6.21 and subsection 3.11.1.1 of Regulation 7.20.[3] The new subsections also require the owner or operator of a tank truck being loaded at an affected facility to have this vapor tightness test completed annually and to maintain all testing records (*i.e.,* test data, date of testing, identification of tank truck, type of repair, retest data and date) for two years after the date of testing, and to make such records available upon request by the District. EPA notes that the District's revised tank truck vapor tightness standards, testing procedures, and recordkeeping requirements as approved for incorporation into the SIP are consistent with the Commonwealth of Kentucky's requirements at 401 KAR 63:031, *Leaks from gasoline tank trucks,* and also with EPA's requirements applicable to gasoline cargo tanks under 40 CFR part 60, subpart XX, *Standards of Performance for Bulk Gasoline Terminals* (*see* 40 CFR 60.505(b)) and 40 CFR part 63, subpart BBBBBB, *National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities* (*see* 40 CFR 63.11092(f)(1) and 63.11094(b)).

The revisions also include minor changes to Regulation 6.21 and Regulation 7.20. A non-substantive change to Section 1 of Regulation 6.21 clarifies that the rule applies to each affected facility that was either existing or had a construction permit issued on or before June 13, 1979.[4] The non-substantive changes to Regulation 7.20 clarify that the rule applies to each affected facility which commenced construction, modification, or reconstruction after June 13, 1979;[5] remove language in subsection 3.11.3 such that a pressure measuring device is no longer required to be supplied by the District; and renumber subsections within Section 3.

Because these rule revisions will not allow an increase in air pollutant emissions, EPA has determined that these changes will not interfere with attainment or maintenance of the NAAQS, reasonable further progress, or any other applicable requirement of the CAA.

In a notice of proposed rulemaking (NPRM) published on January 22, 2021 (86 FR 6589), EPA proposed to approve changes to the Jefferson County portion of the Kentucky SIP, provided on September 5, 2019. The January 21, 2021, NPRM provides additional detail regarding the background and rationale for EPA's action. Comments on the NPRM were due on or before February 22, 2021. One comment was received on the NPRM and is addressed below.

III. Response to Comments

EPA received one comment on its January 21, 2021, NPRM. The comment is provided in the docket for this final action. EPA has summarized and responded to the comment below.

Comment: The commenter ''agree[s] with th[e] proposed rule because the results will be beneficial to protecting air quality'' and states that the rule would be impactful because automobile emissions are a large contributor to air pollution. The commenter further states

[1] 40 CFR part 60, subpart XX, is the Federal NSPS containing standards of performance for bulk gasoline terminals.

[2] The District has no record of ever having created ''Regulation 6.37'' (*see* email from Byron Gary, Louisville Air Pollution Control District, to Sarah LaRocca, EPA Region 4, March 23, 2020), and the Jefferson County portion of the Kentucky SIP does not contain ''Regulation 6.37.'' The District's September 5, 2019, revisions rectify this discrepancy by removing the references to the non-existent ''Regulation 6.37'' and adding new provisions (at subsection 3.6.4 for Regulation 6.21 and subsection 3.11.1 for Regulation 7.20) containing detailed, updated procedures that explicitly state the vapor tightness and recordkeeping requirements.

[3] EPA is not acting on the phrase ''or an alternate procedure approved by the District'' in the District's new subsection 3.6.4.2 of Regulation 6.21 and subsection 3.11.1.2 of Regulation 7.20. The District has withdrawn this phrase from the SIP revision. The withdrawal letter is included in the docket for this action.

[4] The prior version of the rule states that it applies to ''each affected facility which was in being or had a construction permit issued by the District before June 13, 1979.'' ''Affected facility'' is defined in Section 2.1 of the rule as ''facilities at a bulk gasoline terminal for loading gasoline into tank trucks, trailers, railroad tank cars, or other mobile, non-marine vessels.''

[5] The prior version of the rule states that it applies to ''each new affected facility which is commenced after the June 13, 1979.'' ''Affected facility'' is defined in Section 2.1 of the rule as ''a bulk gasoline plant.''

that ''requiring tank trucks to have this vacuum stickers will help ensure that less volatile emissions will be released into the air'' and that ''tank drivers would have to update this sticker annually, ensuring that the automobiles stay up to date with regulations.''

Response: Although the commenter expresses agreement with the proposed rule, they are mistaken regarding the nature of the action. As discussed throughout the NPRM, the revisions to Regulation 6.21 and Regulation 7.20 remove the requirement for gasoline transport vehicles to display a Kentucky pressure vacuum test sticker in Jefferson County. The revisions replace the sticker requirement with specific procedures for assuring that tank trucks and their associated vapor collection systems have passed the required vapor tightness test on an annual basis. The revisions also require the owner or operator of a tank truck being loaded at an affected facility to maintain all testing records for two years after the date of testing and to make such records available upon request by the District. EPA is approving the revisions because the new testing requirements are as stringent as those that would have been required to obtain a pressure vacuum test sticker, and therefore will not allow an increase in air pollutant emissions, and because the revisions are otherwise consistent with the CAA.

IV. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Louisville Metro Air Pollution Control District Regulation 6.21, *Standard of Performance for Existing Gasoline Loading Facilities at Bulk Terminals,* Version 3, and Regulation 7.20, *Standard of Performance for New Gasoline Loading Facilities at Bulk Plants,* Version 3, effective June 19, 2019, with the exception of the phrase ''or an alternate procedure approved by the District'' in Regulation 6.21, subsection 3.6.4.2 and Regulation 7.20, subsection 3.11.1.2. The changes to these rules replace a requirement for gasoline tank trucks to possess valid pressure vacuum test sticker with a requirement for specific vapor tightness testing and recordkeeping procedures, clarify rule applicability, and remove language stating that a pressure measuring device will be supplied by the District. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 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 EPA for inclusion in the State implementation plan, have been incorporated by reference by 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 EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[6]

V. Final Action

EPA is approving the revisions to Regulation 6.21, *Standard of Performance for Existing Gasoline Loading Facilities at Bulk Terminals,* Version 3, and Regulation 7.20, *Standard of Performance for New Gasoline Loading Facilities at Bulk Plants,* Version 3 of the Jefferson County portion of the Kentucky SIP, submitted on September 5, 2019, as discussed above.

VI. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 10, 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).

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

List of Subjects in 40 CFR Part 52

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

Dated: March 5, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart S—Kentucky

■ 2. Section 52.920(c), Table 2, is amended under ''Reg 6—Standards of Performance for Existing Affected Facilities'' by revising the entry for ''6.21'' and under ''Reg 7—Standards of Performance for New Affected Facilities'' by revising the entry for ''7.20'' to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

TABLE 2—EPA-APPROVED JEFFERSON COUNTY REGULATIONS FOR KENTUCKY

Reg	Title/subject	EPA approval date	**Federal Register** notice	District effective date	Explanation
	* * *	*	*	*	* *
Reg 6—Standards of Performance for Existing Affected Facilities					
	* * *	*	*	*	* *
6.21	Standard of Performance for Existing Gasoline Loading Facilities at Bulk Terminals.	3/11/2021	[Insert citation of publication].	6/19/2019	Except for the phrase ''or an alternate procedure approved by the District'' in subsection 3.6.4.2.
	* * *	*	*	*	* *
Reg 7—Standards of Performance for New Affected Facilities					
7.20	Standard of Performance for New Gasoline Loading Facilities at Bulk Plants.	3/11/2021	[Insert citation of publication].	6/19/19	Except for the phrase ''or an alternate procedure approved by the District'' in subsection 3.11.1.2.
	* * *	*	*	*	* *

* * * * *

[FR Doc. 2021–05049 Filed 3–10–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2020–0121; FRL–10021–07–Region 9]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) is correcting a final rule that appeared in the **Federal Register** on February 24, 2021. That rule approved South Coast Air Quality Management District Rule 1168 and Ventura County Air Pollution Control District Rule 74.20 as revisions to the California State Implementation Plan (SIP).

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

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: In FR Doc. 2021–02909 appearing on page 11131 in the **Federal Register** of Wednesday, February 24, 2021, the following corrections are made:

§ 52.220 [Corrected]

■ 1. On page 11131, in the second column, in part 52, instruction 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:'' Is corrected to read ''Section 52.220 is amended by adding paragraphs (c)(362)(i)(B)(*3*), (c)(429)(i)(A)(*7*), (c)(518)(i)(D), and (c)(545) to read as follows:''

■ 2. On page 11131, at the top of the third column, ''(C) South Coast Air Quality Management District.'' is corrected to read ''(D) South Coast Air Quality Management District.''

Dated: March 4, 2021.

Deborah Jordan

Acting Regional Administrator, Region IX.

[FR Doc. 2021–04987 Filed 3–10–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2004–0094; FRL–10019–05–OAR]

RIN 2060–AU98

Court Vacatur of Exemption From Emission Standards During Periods of Startup, Shutdown, and Malfunction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is amending the Code of Federal Regulations (CFR) to reflect a court order regarding the General Provisions for National Emissions Standards for Hazardous Air Pollutants (NESHAP) issued on

December 19, 2008, by the United States Court of Appeals for the District of Columbia Circuit (the court). The court vacated two provisions in the General Provisions that exempted sources from hazardous air pollutant (HAP) non-opacity and opacity emission standards during periods of startup, shutdown, and malfunction (SSM). The court held that under the Clean Air Act (CAA), emissions standards or limitations must be continuous in nature and that the SSM exemptions in these two provisions violate this requirement. This ministerial action revises these two NESHAP General Provisions in the CFR to conform to the court's order.

DATES: This final rule is effective on March 11, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2004–0094. All documents in the docket are listed in *https://www.regulations.gov/.* Although listed, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. With the exception of such material, publicly available docket materials are available electronically in *https://www.regulations.gov/.* Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. The EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention, local area health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID–19. For further information and updates on EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets* or call the Public Reading Room at (202) 566–1744 or the EPA Docket Center at (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Lisa Conner, Sector Policies and Programs Division (D205–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541–5060; fax number: (919) 541–4991; email address: *conner.lisa@epa.gov.* You may also consult your state or local permitting representative or the appropriate EPA Regional office representative.

SUPPLEMENTARY INFORMATION:

Organization of this document. The information in this preamble is organized as follows:

I. Why is the EPA issuing this final rule?

This action is amending the CFR to reflect the 2008 court decision in *Sierra Club* v. *EPA* vacating 40 CFR 63.6(f)(1) and (h)(1). Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B) provides that, when an agency for good cause finds that notice and public procedures are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The EPA has determined that there is good cause for amending these provisions without prior proposal and opportunity for public procedures because the correction of the CFR is a ministerial act to effectuate the court order and public notice and comment is unnecessary and would serve no useful purpose. Removal of the two SSM exemptions in the General Provisions of the NESHAP at 40 CFR 63.6(f)(1) and (h)(1) has no legal effect beyond fulfilling the court's vacatur in *Sierra Club* v. *EPA,* 551 F. 3d 1019 (D.C. Cir. 2008) and is ministerial in nature. The court issued the mandate for its decision on October 16, 2009, at which point the vacatur became effective.

II. Background

The NESHAP program implementing requirements in section 112 of the CAA regulates over 100 industrial source categories that emit HAP. The NESHAP regulations applicable to specific source categories are organized by subparts within part 63 of 40 CFR.[1] As a component of 40 CFR part 63, the EPA established subpart A which contains the General Provisions and, when incorporated by reference within a specific source category NESHAP, eliminates unnecessary repetition of general information and requirements that often apply (*e.g.,* emission testing, monitoring, recordkeeping, and reporting provisions). As a result, the General Provisions contain requirements that are general in nature and apply only if the source category-specific NESHAP subpart states that some (or all) of the subpart A requirements apply. *See* 59 FR 12408, 12408/3 (March 16, 1994) (''1994 Rule''). The General Provisions have the legal force and effect of emission standards when incorporated by reference into a NESHAP. 40 CFR 63.1(a)(4).

Beginning in 2002, the Sierra Club and various other environmental groups filed petitions seeking judicial review of the SSM exemptions in the NESHAP General Provisions in 40 CFR part 63, subpart A. In response to these petitions, the court vacated portions of two provisions governing the emissions of HAP during periods of SSM. *Sierra Club* v. *EPA,* 551 F. 3d 1019 (D.C. Cir. 2008). Specifically, the court vacated the SSM exemptions contained in 40 CFR 63.6(f)(1) and (h)(1) of the General Provisions. When incorporated by reference into the NESHAP regulations for specific source categories, these two provisions exempted sources from the requirement to comply with the otherwise applicable emission standards during periods of SSM. The court held that under CAA section 302(k), emissions standards or limitations issued pursuant to section 112 of the CAA must be continuous in nature and that the SSM exemptions in 40 CFR 63.6(f)(1) and (h)(1) violate this CAA requirement.

As noted above, the court mandated its decision on October 16, 2009, making it immediately effective. However, 40 CFR part 63, subpart A, has not yet been amended in the record. Since then, the EPA has been codifying the court decision by modifying SSM exemptions in individual NESHAP as they are opened for review and modification.

III. Which provisions are being amended?

This final rule amends the NESHAP General Provisions at 40 CFR part 63, subpart A, to remove universally the SSM exemptions contained in 40 CFR 63.6(f)(1) and (h)(1) from non-opacity and opacity emission standards, respectively, by deleting the phrase ''except during periods of startup, shutdown, and malfunction.'' As explained above, removal of the exemptions corrects the CFR to conform to the court's order in *Sierra Club* v. *EPA* and so is ministerial in nature and has no legal effect. The legal effect of the vacatur occurred upon the court's

[1] A list of the source categories regulated in the NESHAP program can be found at: *https://www.epa.gov/stationary-sources-air-pollution/national-emission-standards-hazardous-air-pollutants-neshap-9.*

decision in 2008 and subsequently in the court's mandate issued in 2009.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden, or otherwise has a positive economic effect on the small entities subject to the rule. This regulatory action is ministerial in nature as it codifies a court issued mandate vacating regulatory provisions. We have, therefore, concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538. This action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. The action presents no additional burden on implementing authorities beyond existing requirements. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This regulatory action is ministerial in nature as it codifies a court issued mandate vacating regulatory provisions and does not have any impact on human health or the environment.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and comment rulemaking procedures are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 808(2)). The EPA has made a good cause finding for this rule in section I of this preamble, including the basis for that finding.

List of Subjects for 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, General Provisions, Hazardous substances.

Jane Nishida,

Acting Administrator.

For the reasons set forth in the preamble, the EPA amends 40 CFR part 63 as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart A—General Provisions

■ 2. Revise § 63.6(f)(1) and (h)(1) to read as follows:

§ 63.6 Compliance with standards and maintenance requirements.

* * * * *

(f) * * *

(1) *Applicability.* The non-opacity emission standards set forth in this part shall apply at all times except as otherwise specified in an applicable subpart. If a startup, shutdown, or malfunction of one portion of an affected source does not affect the ability of particular emission points within other portions of the affected source to comply with the non-opacity emission standards set forth in this part, then that emission point must still be required to comply with the non-opacity emission standards and other applicable requirements.

* * * * *

(h) * * *

(1) *Applicability.* The opacity and visible emission standards set forth in this part must apply at all times except as otherwise specified in an applicable subpart. If a startup, shutdown, or malfunction of one portion of an affected source does not affect the ability of particular emission points within other portions of the affected source to comply with the opacity and visible emission standards set forth in this part, then that emission point shall still be required to comply with the opacity and visible emission standards and other applicable requirements.

* * * * *

[FR Doc. 2021–04936 Filed 3–10–21; 8:45 am]

BILLING CODE 6560–50–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 1230 and 2554

RIN 3045–AA76

Annual Civil Monetary Penalties Inflation Adjustment

AGENCY: Corporation for National and Community Service.

ACTION: Interim final rule.

SUMMARY: The Corporation for National and Community Service (CNCS, operating as AmeriCorps) is updating its regulations to reflect required annual inflation-related increases to the civil monetary penalties in its regulations, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: *Effective date:* This rule is effective March 11, 2021.

Comment due date: Technical comments may be submitted until April 12, 2021.

ADDRESSES: You may send your comments electronically through the Federal Government's one-stop rulemaking website at *www.regulations.gov.* Also, you may mail or deliver your comments to Stephanie Soper, Law Office Manager, Office of General Counsel, at the Corporation for National and Community Service, 250 E Street SW, Washington, DC 20525. Due to continued delays in CNCS's receipt of mail, we strongly encourage you to submit your comments online. You may request this document in an alternative format for the visually impaired.

FOR FURTHER INFORMATION CONTACT: Stephanie Soper, Law Office Manager, Office of General Counsel, at 202–606–6747 or by email to *ssoper@cns.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

AmeriCorps, the operating name for Corporation for National and Community Service, is a Federal agency that engages millions of Americans in service. AmeriCorps members and AmeriCorps Seniors volunteers serve directly with nonprofit organizations to tackle our nation's most pressing challenges. For more information, visit *americorps.gov*.

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (the ''Act''), which is intended to improve the effectiveness of civil monetary penalties and to maintain the deterrent effect of such penalties, requires agencies to adjust the civil monetary penalties for inflation annually.

II. Method of Calculation

AmeriCorps has two civil monetary penalties in its regulations. A civil monetary penalty under the Act is a penalty, fine, or other sanction that is for a specific monetary amount as provided by Federal law or has a maximum amount provided for by Federal law and is assessed or enforced by an agency pursuant to Federal law and is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts. (*See* 28 U.S.C. 2461 note).

The inflation adjustment for each applicable civil monetary penalty is determined using the percent increase in the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October of the year in which the amount of each civil money penalty was most recently established or modified. In the December 23, 2020, OMB Memo for the Heads of Executive Agencies and Departments, M–21–10, *Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,* OMB published the multiplier for the required annual adjustment. The cost-of-living adjustment multiplier for 2021, based on the CPI–U for the month of October 2020, not seasonally adjusted, is 1.01182.

The agency identified two civil penalties in its regulations: (1) The penalty associated with Restrictions on Lobbying (45 CFR 1230.400) and (2) the penalty associated with the Program Fraud Civil Remedies Act (45 CFR 2554.1).

The civil monetary penalties related to Restrictions on Lobbying (Section 319, Pub. L. 101–121; 31 U.S.C. 1352) range from $20,489 to $204,892. Using the 2021 multiplier, the new range of possible civil monetary penalties is from $20,732 to $207,313.

The Program Fraud Civil Remedies Act of 1986 (Pub. L. 99–509) civil monetary penalty has an upper limit of $11,665. Using the 2021 multiplier, the new upper limit of the civil monetary penalty is $11,803.

III. Summary of Final Rule

This final rule adjusts the civil monetary penalty amounts related to Restrictions on Lobbying (45 CFR 1230.400) and the Program Fraud Civil Remedies Act of 1986 (45 CFR 2554.1). The range of civil monetary penalties related to Restrictions on Lobbying increase from ''$20,489 to $204,892'' to ''$20,732 to $207,313.'' The civil monetary penalties for the Program Fraud Civil Remedies Act of 1986 increase from ''up to $11,665'' to ''up to $11,803.''

IV. Regulatory Procedures

A. Determination of Good Cause for Publication Without Notice and Comment

The agency finds, under 5 U.S.C. 553(b)(3)(B), that there is good cause to except this rule from the public notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b). Because the agency is implementing a final rule pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which requires the agency to update its regulations based on a prescribed formula, the agency has no discretion in the nature or amount of the change to the civil monetary penalties. Therefore, notice and comment for these proscribed updates is impracticable and unnecessary. As an interim final rule, no further regulatory action is required for the issuance of this legally binding rule. If you would like to provide technical comments, however, they may be submitted until April 12, 2021.

B. Review Under Procedural Statutes and Executive Orders

The agency has determined that making technical changes to the amount of civil monetary penalties in its regulations does not trigger any requirements under procedural statutes and Executive orders that govern rulemaking procedures.

V. Effective Date

This rule is effective March 11, 2021. The adjusted civil penalty amounts apply to civil penalties assessed on or after March 11, 2021, when the violation occurred after November 2, 2015. If the violation occurred prior to November 2, 2015, or a penalty was assessed prior to August 1, 2016, the pre-adjustment civil penalty amounts in effect prior to August 1, 2106, will apply.

List of Subjects

45 CFR Part 1230

Government contracts, Grant programs, Loan programs, Lobbying, Penalties, Reporting and recordkeeping requirements.

45 CFR Part 2554

Claims, Fraud, Organization and functions (Government agencies), Penalties.

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 chapters XII and XXV, title 45

of the Code of Federal Regulations as follows:

PART 1230—NEW RESTRICTIONS ON LOBBYING

■ 1. The authority citation for part 1230 continues to read as follows:

Authority: Section 319, Pub. L. 101–121 (31 U.S.C. 1352); Pub. L. 93–113; 42 U.S.C. 4951, *et seq.*; 42 U.S.C. 5060.

§ 1230.400 [Amended]

■ 2. Amend § 1230.400 by:
■ a. In paragraphs (a), (b), and (e), removing ''$20,489'' and adding in its place ''$20,732'' each place it appears.
■ b. In paragraphs (a), (b), and (e), removing ''$204,892'' and adding in its place ''$207,313'' each place it appears.

Appendix A to Part 1230 [Amended]

■ 3. Amend appendix A to part 1230 by:
■ a. Removing ''$20,489'' and adding in its place ''$20,732'' each place it appears.
■ b. Removing ''$204,892'' and adding in its place ''$207,313'' each place it appears.

PART 2554—PROGRAM FRAUD CIVIL REMEDIES ACT REGULATIONS

■ 4. The authority citation for part 2554 continues to read as follows:

Authority: Pub. L. 99–509, Secs. 6101–6104, 100 Stat. 1874 (31 U.S.C. 3801–3812); 42 U.S.C. 12651c-12651d.

§ 2554.1 [Amended]

■ 5. Amend § 2554.1 by removing ''$11,665'' in paragraph (b) and adding in its place ''$11,803.''

Dated: March 5, 2021.

Fernando Laguarda,

General Counsel.

[FR Doc. 2021–05068 Filed 3–10–21; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 181203999–9503–02]

RTID 0648–XA848

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Possession and Trip Limit Increases for the Common Pool Fishery

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: This action increases the possession and trip limits of Georges Bank cod, Gulf of Maine cod, Gulf of Maine haddock, Southern New England/Mid-Atlantic winter flounder, American plaice, and witch flounder for Northeast multispecies common pool vessels for the remainder of the 2020 fishing year. This action will provide the common pool fishery greater opportunity to harvest, but not exceed, the annual quotas for these stocks.

DATES: These possession and trip limit adjustments are effective March 11, 2021, through April 30, 2021.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, 978–281–9232.

SUPPLEMENTARY INFORMATION: The regulations at § 648.86(o) authorize the Regional Administrator to adjust the possession and trip limits for common pool vessels in order to help avoid overharvest or underharvest of the common pool quotas.

Based on the most recent catch information, the common pool fishery has caught low amounts of the following species relative to the annual quotas for each of these stocks (Table 1): Georges Bank (GB) cod; Gulf of Maine (GOM) cod; GOM haddock; Southern New England/Mid-Atlantic (SNE/MA) winter flounder; American plaice; and witch flounder. At the current rate of fishing, we project that the common pool fishery will not fully harvest the annual quotas for these stocks by the end of fishing year 2020. Providing vessels an opportunity to possess and land greater amounts of catch should provide greater incentive to fish and more opportunity to catch available quota. Based on our review of past fishing effort and performance under various possession and trip limits, we project that this action's increases in the possession and trip limits for these stocks should provide additional fishing opportunities and flexibility to catch available quota while ensuring that the common pool does not exceed its annual quotas.

TABLE 1—SUMMARY OF COMMON POOL CATCH THROUGH JANUARY 26, 2021

Stock	FY 2020 catch (mt)	Sub-ACL (mt)	Percent caught
GB cod	2.7	31.4	8.5
GOM cod	2.3	8.7	25.8
GOM haddock	30.5	303.1	10
SNE/MA winter flounder	7.2	63.4	11.4
American plaice	1.6	77.9	2.0
Witch flounder	1.2	35.4	3.3

Effective March 11, 2021 until April 30, 2021, NMFS increases the possession and trip limits summarized in Tables 2 and 3.

TABLE 2—PREVIOUS FISHING YEAR 2020 POSSESSION AND TRIP LIMITS

Stock	A days-at-sea (DAS)	Handgear A	Handgear B	Small vessel category
GB cod	250 lb (113.4 kg) per DAS, up to 500 lb (226.8 kg) per trip.	250 lb (113.4 kg) per trip	25 lb (11.3 kg) per trip	250 lb (113.4 kg) per trip.
GOM cod	50 lb (22.7 kg) per DAS, up to 100 lb (45.4 kg) per trip.	50 lb (22.7 kg) per trip	25 lb (11.3 kg) per trip	50 lb (22.7 kg) per trip.

TABLE 2—PREVIOUS FISHING YEAR 2020 POSSESSION AND TRIP LIMITS—Continued

Stock	A days-at-sea (DAS)	Handgear A	Handgear B	Small vessel category
GOM haddock	1,000 lb (453.6 kg) per DAS, up to 2,000 lb (907.2 kg) per trip.	1,000 lb (453.6 kg) per trip		300 lb (136.1 kg) per trip.
SNE/MA winter flounder	2,000 lb (907.2 kg) per DAS, up to 4,000 lb (1,814.4 kg) per trip.	2,000 lb (907.2 kg) per trip.		
American plaice	1,000 lb (453.6 kg) per DAS, up to 2,000 lb (907.2 kg) per trip.	1,000 lb (453.6 kg) per trip.		
Witch flounder	750 lb (340.2 kg) per trip.			

TABLE 3—NEW FISHING YEAR 2020 POSSESSION AND TRIP LIMITS

Stock	A days-at-sea (DAS)	Handgear A	Handgear B	Small vessel category
GB cod	500 lb (226.8 kg) per DAS, up to 1,000 lb (453.6 kg) per trip.	500 lb (226.8 kg) per trip	25 lb (11.3 kg) per trip	300 lb (136.1 kg) per trip.
GOM cod	150 lb (68.0 kg) per DAS, up to 300 lb (136.1 kg) per trip.	150 lb (68.0 kg) per trip	25 lb (11.3 kg) per trip	150 lb (68.0 kg) per trip.
GOM haddock	3,000 lb (1360.8 kg) per DAS, up to 6,000 lb (2721.6 kg) per trip.	3,000 lb (1360.8 kg) per trip		300 lb (136.1 kg) per trip.
SNE/MA winter flounder	3,000 lb (1360.8 kg) per DAS, up to 6,000 lb (2721.6 kg) per trip.	3,000 lb (1360.8 kg) per trip.		
American plaice	3,000 lb (1360.8 kg) per DAS, up to 6,000 lb (2721.6 kg) per trip.	3,000 lb (1360.8 kg) per trip.		
Witch flounder	1,500 lb (680.4 kg) per trip.			

Weekly quota monitoring reports for the common pool fishery can be found on our website at: *http://www.greateratlantic.fisheries.noaa.gov/ro/fso/MultiMonReports.htm.* We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, Vessel Monitoring System catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.86(o), which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866. The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because this action relieves possession and landing restrictions, and delayed implementation would be impracticable and contrary to the public interest.

The regulations at § 648.86(o) authorize the Regional Administrator to adjust the possession and trip limits for common pool vessels in order to help avoid overharvest or underharvest of the common pool quotas. Our analysis indicates that this action's increased possession and trip limit adjustments for these stocks should help the fishery achieve the optimum yields (OY) for each stock. Any delay in this action would limit the benefits to common pool vessels that the increased landing and possession limits are intended to provide.

The time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would keep NMFS from implementing the necessary possession and trip limit before the end of the fishing year on April 30, 2021, which could prevent the fishery from achieving OY and cause negative economic impacts to the common pool fishery. This would undermine management objectives of the Northeast Multispecies Fishery Management Plan and cause unnecessary negative economic impacts to the common pool fishery. The public received prior notice and an opportunity to comment on the Regional Administrator's exercise of this authority. The fishing industry participants have experienced these adjustments and have become accustomed to this process. There is additional good cause to waive the delayed effective period because this action relieves restrictions on fishing vessels by increasing a trip limit.

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

Dated: March 8, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–05110 Filed 3–10–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 200505–0127; RTID 0648–XA378]

Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #8 Through #15

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

ACTION: Inseason modification of 2020 management measures.

SUMMARY: NMFS announces eight inseason actions in the 2020 ocean salmon fisheries. These inseason actions modified the commercial and recreational salmon fisheries in the area

from the U.S./Canada border to the Oregon/California border.

DATES: The effective dates for the inseason actions are set out in this document under the heading Inseason Actions.

FOR FURTHER INFORMATION CONTACT: Christina Iverson at 360–742–2506, email: *Christina.iverson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

In the 2020 annual management measures for ocean salmon fisheries (85 FR 27317, May 8, 2020), NMFS announced management measures for the commercial and recreational fisheries in the area from Cape Falcon, OR, to the U.S./Mexico border, effective from 0001 hours Pacific Daylight Time (PDT), May 6, 2020, until the effective date of the 2021 management measures, as published in the **Federal Register**. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Pacific Fishery Management Council (Council) and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions). The state management agencies that participated in the consultations described in this document were: The Washington Department of Fish and Wildlife (WDFW), the Oregon Department of Fish and Wildlife (ODFW), and the California Department of Fish and Wildlife (CDFW).

Management Areas

Management of the salmon fisheries is generally divided into two geographic areas: North of Cape Falcon (NOF) (U.S./Canada border to Cape Falcon, OR) and south of Cape Falcon (SOF) (Cape Falcon, OR, to the U.S./Mexico border). The actions described in this document affected NOF and SOF fisheries as set out under the heading Inseason Actions.

Inseason Actions

Inseason Action #8

Description of the action: Inseason action #8 adjusted the July–September quota in the NOF commercial salmon fishery to account for an impact-neutral rollover of unused quota from the May–June fishery in the same area. The July–September quota was increased from 13,820 to 25,499 Chinook salmon.

Effective dates: Inseason action #8 took effect on July 9, 2020, and remained in effect through September 30, 2020, the end of the 2020 NOF commercial salmon season.

Reason and authorization for the action: Provision for this impact-neutral rollover of uncaught quota is specified in the 2020 ocean salmon regulations (85 FR 27317, May 8, 2020). The NOF May–June commercial salmon fishery had a quota of 13,820 Chinook salmon. Of that, 2,141 Chinook salmon were caught, leaving quota of 11,679 Chinook salmon uncaught. The Council's Salmon Technical Team (STT) determined that a 1:1 rollover of the unused quota to the July–September fishery would have similar stock-specific fishery impacts to those set preseason. Therefore, the remaining quota of 11,679 was rolled over, on an impact-neutral basis, to the July–September fishery and added to the quota set during preseason planning of 13,820, for an adjusted summer NOF commercial quota of 25,499 Chinook salmon. This action did not increase overall 2020 Chinook salmon quota in the NOF commercial salmon fishery. The NMFS West Coast Regional Administrator (RA) considered the landed catch of Chinook salmon to date, the amount of quota remaining, and the timing of the action relative to the length of the season, and determined that this inseason action was necessary to meet management goals set preseason. Inseason action to modify quotas is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation under 50 CFR 660.409(b) on inseason action #8 occurred on July 9, 2020. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #9

Description of the action: Inseason action #9 adjusted the July quota in the SOF commercial salmon fishery in the Oregon Klamath Management Zone (Oregon KMZ) (Humbug Mountain, OR, to the Oregon/California border) to account for an impact-neutral rollover of unused quota from June. The July quota was adjusted from 300 Chinook salmon to 630 Chinook salmon.

Effective dates: Inseason action #9 took effect on July 9, 2020, and remained in effect through July 31, 2020, the end of the 2020 SOF commercial salmon season in the Oregon KMZ.

Reason and authorization for the action: The provision for this impact-neutral rollover of uncaught quota is specified in the 2020 ocean salmon regulations (85 FR 27317, May 8, 2020). The Oregon KMZ commercial salmon fishery had a June quota of 700 Chinook salmon. Of that, 165 Chinook salmon were caught, leaving quota of 535 Chinook salmon uncaught. Due to increased fishery impacts on Klamath River fall-run Chinook salmon in July as described in domestic fishery management models, as compared with June, the STT determined that the unused June quota of 535 Chinook salmon would need to be reduced to 330 Chinook salmon to attain an impact-neutral rollover to July. Therefore, 330 Chinook salmon were rolled over, on an impact-neutral basis, to the July fishery and added to the July quota set during preseason planning of 300 Chinook salmon, for an adjusted July Oregon KMZ commercial quota of 630 Chinook salmon. The RA considered the landed catch of Chinook salmon to date, the amount of quota remaining, and the timing of the action relative to the length of the season, and determined that this inseason action was necessary to meet management goals set preseason. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #9 occurred on July 9, 2020. Representatives from NMFS, CDFW, ODFW, and the Council participated in this consultation.

Inseason Action #10

Description of the action: Inseason action #10 closed the NOF recreational salmon fishery from Leadbetter Point, WA to Cape Falcon, OR (Columbia River subarea) due to anticipated attainment of quota.

Effective dates: Inseason action #10 took effect at 11:59 p.m., July 26, 2020, and remained in effect through September 30, 2020, the end of the 2020 NOF recreational salmon season.

Reason and authorization for the action: The purpose of inseason action #10 was to avoid exceeding the subarea quota for coho salmon in the Columbia River subarea recreational salmon fishery. The RA considered the landed catch of coho salmon to date, the amount of quota remaining, and the timing of the action relative to the length of the season, and determined that this inseason action was necessary to avoid exceeding the subarea quota set preseason. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #10 occurred on July 23, 2020.

Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #11

Description of the action: Inseason action #11 closed the NOF recreational salmon fishery from the U.S./Canada border to Cape Alava, WA (Neah Bay subarea), due to anticipated attainment of quota.

Effective dates: Inseason action #11 took effect at 11:59 p.m., August 7, 2020, and remained in effect through September 30, 2020, the end of the 2020 NOF recreational salmon season.

Reason and authorization for the action: The purpose of inseason action #11 was to avoid exceeding the subarea quota for coho salmon in the Neah Bay subarea recreational salmon fishery. The RA considered the landed catch of coho salmon to date, the amount of quota remaining, and the timing of the action relative to the length of the season, and determined that this inseason action was necessary to avoid exceeding the subarea quota set preseason. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #11 occurred on August 5, 2020. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #12

Description of the action: Inseason action #12 adjusted the non-mark selective coho salmon quota in the SOF recreational fishery from Cape Falcon to Humbug Mountain to account for an impact-neutral rollover of unused quota from the mark selective fishery in the same area. The non-selective quota was increased from 3,000 to 4,650.

Effective dates: Inseason action #12 took effect at 12:01 a.m. on September 4, 2020, and remained in effect through October 31, 2020, the end of the SOF recreational salmon season in the area from Cape Falcon to Humbug Mountain.

Reason and authorization for the action: Provision for this impact-neutral rollover of uncaught quota is specified in the 2020 ocean salmon regulations (85 FR 27317, May 8, 2020). The SOF June–August mark selective recreational coho salmon fishery had a remaining quota of 8,607 uncaught coho salmon as of August 26, 2020. The STT determined that a rollover of 1,650 of the unused quota to the non-mark selective fishery would have similar fishery impacts to those set during preseason planning for Oregon Coastal natural coho salmon, and would not exceed the 11.6 percent exploitation rate set preseason. Therefore, of the remaining coho quota, 1,650 was rolled over on an impact-neutral basis, to the non-mark selective fishery in the same area. This adjusted the September non-mark selective quota from 3,000 to 4,650 coho salmon. This action did not increase the overall 2020 coho salmon quota in the SOF recreational salmon fishery. The RA considered the landed catch of coho salmon to date, the amount of quota remaining, and the timing of the action relative to the length of the season, and determined that this inseason action was necessary to meet management goals set preseason. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation under 50 CFR 660.409(b) on inseason action #12 occurred on August 26, 2020. Representatives from NMFS, CDFW, ODFW, and the Council participated in this consultation.

Inseason Action #13

Description of the action: Inseason action #13 modified the days open for fishing from five to seven days a week, and adjusted the daily bag limit to allow retention of up to two Chinook salmon in the recreational salmon fishery U.S./Canada border to Cape Alava, WA (Westport subarea). Previously, the two salmon per day bag limit in this fishery allowed retention of only one Chinook salmon.

Effective dates: Inseason action #13 took effect at 12:01 a.m. on September 4, 2020, and remained in effect through the September 30, 2020, the end of the 2020 NOF recreational salmon season.

Reason and authorization for the action: The purpose of inseason action #13 was to allow greater access to available Chinook salmon quota in the recreational fishery. The RA considered Chinook and coho salmon landings and fishery effort in the Westport subarea and determined that this inseason action was necessary to meet management objectives set preseason. Inseason modification of recreational bag limits and recreational fishing days per calendar week is authorized by 50 CFR 660.409(b)(1)(iii).

Consultation date and participants: Consultation on inseason action #13 occurred on September 2, 2020. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #14

Description of the action: Inseason action #14 transferred 228 coho salmon from the NOF recreational coho salmon quota for the La Push subarea to the NOF recreational coho salmon quota for the Neah Bay subarea on a 1:1, impact-neutral basis. The Neah Bay quota was increased from 2,760 coho salmon to 2,988 coho salmon. The La Push quota was decreased from 690 coho salmon to 462 coho salmon. The NOF recreational coho salmon quota in the Neah Bay subarea was adjusted from 2,760 to 2,988 on an impact-neutral basis. This 1:1 roll over of coho salmon quota from the La Push subarea was necessary to have similar fishery impacts to those set preseason in Neah Bay. This also adjusted the La Push subarea quota from 690 coho salmon to 462 coho salmon.

Effective dates: Inseason action #14 took effect September 2, 2020, and remained in effect through September 30, 2020, the end of the 2020 NOF recreational salmon season.

Reason and authorization for the action: Provision for this impact-neutral rollover of uncaught quota is specified in the 2020 ocean salmon regulations (85 FR 27317, May 8, 2020). The NOF Neah Bay recreational coho salmon fishery reported an overage of 228 coho salmon as of August 7, 2020, when the fishery closed (see inseason action #11, above). At the time of the inseason consultation, the La Push subarea had 517 coho salmon remaining on the preseason quota of 690 coho salmon. The Council's STT determined that a 1:1 rollover of the unused coho quota from the La Push subarea to the Neah Bay subarea would have similar fishery impacts to those set preseason. Therefore, 228 of coho quota from the La Push subarea was rolled over, on an impact-neutral basis, to the Neah Bay subarea coho fishery, for an adjusted Neah Bay subarea quota of 2,988 for the 2020 season and a revised remaining La Push subarea coho quota of 462. This action did not increase overall 2020 coho salmon quota in the NOF recreational salmon fishery. The RA considered the landed catch of coho salmon to date, the amount of quota taken to date, and the timing of the action relative to the length of the season, and determined that this inseason action was necessary to meet management goals set preseason and address the overage in the Neah Bay subarea coho catch. Inseason action to modify quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

Consultation date and participants: Consultation on inseason action #14 occurred on September 2, 2020. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #15

Description of the action: Inseason action #15 closed the SOF recreational non-mark selective coho fishery from Cape Falcon, OR to Humbug Mountain, CA due to anticipated attainment of quota.

Effective dates: Inseason action #15 took effect at 12:01 a.m. Friday September 11, 2020, and remained in effect through September 30, 2020, the end of the 2020 SOF recreational salmon season in the area from Cape Falcon, OR to Humbug Mountain, CA.

Reason and authorization for the action: The purpose of inseason action #15 was to avoid exceeding the subarea quota for coho salmon in the SOF recreational salmon fishery in the area from Cape Falcon to Humbug Mountain. The RA considered the landed catch of coho salmon to date, the amount of quota remaining, and the timing of the action relative to the length of the season, and determined that this inseason action was necessary to avoid exceeding the subarea quota set preseason. The 2020 salmon management measures authorize the closure of fisheries, as specified in the 2020 ocean salmon regulations (85 FR 27317, May 8, 2020).

Consultation date and participants: Consultation on inseason action #15 occurred on September 8, 2020. Representatives from NMFS, CDFW, ODFW, and the Council participated in this consultation.

All other restrictions and regulations remain in effect as announced for the 2020 ocean salmon fisheries (85 FR 27317, May 8, 2020) and as modified by previous inseason actions (85 FR 31707, May 27, 2020 and 85 FR 55784, September 10, 2020).

The RA determined that these inseason actions, recommended by the States of Washington, Oregon, and California were warranted based on the best available information on Pacific salmon landings to date, fishery effort, and remaining Pacific salmon quota. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone consistent with these Federal actions. As provided by the inseason notice procedures at 50 CFR 660.411, actual notice of the described regulatory action was given, prior to the time the action was effective, by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

Classification

NMFS issues these actions pursuant to section 305(d) of the Magnuson-Stevens Act. These actions are required by 50 CFR 660.409, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on these actions, as notice and comment would be impracticable and contrary to the public interest. Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment between the time Chinook and coho salmon catch and effort information was developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best available scientific information, ensuring that conservation objectives and limits for impacts to salmon species listed under the Endangered Species Act are not exceeded. As previously noted, actual notice of the regulatory action was provided to fishers through telephone hotline and radio notification. This action complies with the requirements of the annual management measures for ocean salmon fisheries (85 FR 27317, May 8, 2020), the Pacific Coast Salmon Fishery Management Plan (FMP), and regulations implementing the FMP under 50 CFR 660.409 and 660.411.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date, as a delay in effectiveness of these actions would allow fishing at levels inconsistent with the goals of the FMP and the current management measures.

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

Dated: March 8, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–05076 Filed 3–10–21; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 46
Thursday, March 11, 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–2020–1175; Product Identifier 2018–SW–071–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2013–20–13 for certain Bell Helicopter Textron Canada Limited (now Bell Textron Canada Limited) (Bell) Model 206B and 206L helicopters. AD 2013–20–13 requires installing a placard beneath the engine power dual tachometer and revising the Operating Limitations section of the existing Rotorcraft Flight Manual (RFM) for your helicopter. Since the FAA issued AD 2013–20–13, the engine manufacturer expanded the RPM (N2) steady-state operation avoidance range limits. This proposed AD would retain certain requirements of AD 2013–20–13, require revising certain sections of the existing RFM for your helicopter, and require either replacing or installing a placard. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 26, 2021.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *https://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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–2020–1175; 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 proposed AD, the Transport Canada AD, 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 service information identified in this proposed rule, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone 450–437–2862 or 800–363–8023; fax 450–433–0272; or at *https://www.bellcustomer.com.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Michael Hughlett, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5889; email *Michael.Hughlett@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–2020–1175; Product Identifier 2018–SW–071–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 this proposal because of those comments.

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

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 Michael Hughlett, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5889; email *Michael.Hughlett@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 2013–20–13, Amendment 39–17619 (78 FR 66252, November 5, 2013) for certain Bell Model 206B and 206L helicopters. AD 2013–20–13 requires installing a placard beneath the engine power dual tachometer and revising the Operating Limitations section of the existing RFM for your helicopter. AD 2013–20–13 was prompted by several incidents of third stage engine turbine wheel failures, which were caused by excessive vibrations at certain engine speeds during steady-state operations. Those actions are intended to alert pilots to avoid certain engine speeds during steady-state operations, and prevent failure of the third stage engine turbine,

engine power loss, and subsequent loss of control of the helicopter.

Actions Since AD 2013–20–13 Was Issued

Since the FAA issued AD 2013–20–13, Transport Canada, which is the aviation authority for Canada, issued Canadian AD No. CF–2018–23, dated August 22, 2018, which advises that Rolls Royce has expanded the RPM (N2) steady-state operation avoidance range limits due to several failures of the third stage turbine wheel. According to Transport Canada, Rolls Royce determined that detrimental vibrations could occur within a particular range of turbine speeds, which may be a contributing factor to these failures. Accordingly, Rolls Royce has expanded the steady-state operation avoidance range limits. Bell has also amended the RFMs and the engine starting procedures for RPM (N2) and provided a new decal (placard) to inform pilots to avoid steady-state operations at those engine turbine speeds. The Transport Canada AD mandates incorporating the amended RFM power plant operating limitations and engine starting procedures for RPM (N2) steady-state operation and installing a new decal.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed the following service information, which contains revised operating limitations and engine starting instructions:

- Section 1, Operating Limitations, page 1–2A, of Bell Model 206B RFM BHT–206B–FM–1, Revision B–54, dated May 30, 2018 (BHT–206B–FM–1).
- Section 2, Normal Procedures, page 2–8 of BHT–206B–FM–1.
- Section 1, Limitations, page 1–5, of Bell Model 206B3 RFM BHT–206B3–FM–1, Revision 17, dated May 30, 2018 (BHT–206B3–FM–1).
- Section 2, Normal Procedures, page 2–10 of BHT–206B3–FM–1.
- Section 1, Operating Limitations, page 1–4B, of Bell Model 206L RFM BHT–206L–FM–1, Revision 31, dated May 30, 2018 (BHT–206L–FM–1).
- Section 2, Normal Procedures, page 2–10 of BHT–206L–FM–1.

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.

Other Related Service Information

The FAA reviewed Bell Alert Service Bulletin (ASB) 206–07–115, Revision D, for Model 206A and 206B helicopters, and ASB 206L–07–146, Revision C, for Model 206L helicopters, each dated July 9, 2018. This service information contains procedures for installing a decal (placard) on the instrument panel below the Nr/N2 RPM dual tachometer indicator and inserting the RFM changes into the RFM.

Proposed AD Requirements

This proposed AD would require revising the Operating Limitations and the Normal Procedures sections of the existing RFM for your helicopter. This proposed AD would also require installing or replacing a placard. The proposed actions would be required within 25 hours time-in-service (TIS).

Differences Between This Proposed AD and the Transport Canada AD

The Transport Canada AD requires compliance within 30 calendar days, while this proposed AD would require compliance within 25 hours TIS.

Costs of Compliance

The FAA estimates that this proposed AD would affect 934 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at $85 per work-hour.

Amending the existing RFM for your helicopter would take about 0.5 work-hour, for an estimated cost of $43 per helicopter and $40,162 for the U.S. fleet.

Installing or replacing a placard would take about 0.2 work-hour and parts would cost about $20, for a cost of $37 per helicopter.

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, 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) 2013–20–13, Amendment 39–17619 (78 FR 66252, November 5, 2013); and

■ b. Adding the following new AD:

Bell Textron Canada Limited Helicopters: Docket No. FAA–2020–1175; Product Identifier 2018–SW–071–AD.

(a) Applicability

This airworthiness directive (AD) applies to the following Bell Textron Canada Limited (Bell) helicopters, certificated in any category:

(1) Bell Model 206B, serial number (S/N) 004 through 4690 inclusive, including helicopters converted from Model 206A; and

Note 1 to paragraph (a)(1): Helicopters with a 206B3 designation are Model 206B helicopters.

(2) Bell Model 206L, S/N 45001 through 45153 inclusive, and 46601 through 46617 inclusive.

(b) Unsafe Condition

This AD defines the unsafe condition as a third stage turbine vibration. This condition could result in turbine failure, engine power loss, and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2013–20–13, Amendment 39–17619 (78 FR 66252, November 5, 2013).

(d) Comments Due Date

The FAA must receive comments by April 26, 2021.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

Within 25 hours time-in-service:

(1) For Bell Model 206B helicopters:

(i) Revise the existing Rotorcraft Flight Manual (RFM) for your helicopter by inserting Section 1, Operating Limitations, page 1–2A, of Bell Model 206B RFM BHT–206B–FM–1, Revision B–54, dated May 30, 2018 (BHT–206B–FM–1) or Section 1, Limitations, page 1–5, of Bell Model 206B3 RFM BHT–206B3–FM–1, Revision 17, dated May 30, 2018 (BHT–206B3–FM–1), as applicable to your helicopter. Inserting a different document with ''Steady-state operation'' information identical to page 1–2A of BHT–206B–FM–1 or page 1–5 of BHT–206B3–FM–1, as applicable to your helicopter, is acceptable for compliance with the requirements of this paragraph.

(ii) Revise the existing RFM for your helicopter by inserting Section 2, Normal Procedures, page 2–8 of BHT–206B–FM–1 or Section 2, Normal Procedures, page 2–10 of BHT–206B3–FM–1, as applicable to your helicopter. Inserting a different document with ''Continuous Operation'' information identical to page 2–8 of BHT–206B–FM–1 or page 2–10 of BHT–206B3–FM–1, as applicable to your helicopter, is acceptable for compliance with the requirements of this paragraph.

(iii) Remove placard part number (P/N) 230–075–213–121, if installed.

(iv) Install placard P/N 230–075–213–129 or placard P/N 230–075–213–131 on the instrument panel directly below the dual tachometer.

(2) For Bell Model 206L helicopters:

(i) Revise the existing RFM for your helicopter by inserting Section 1, Operating Limitations, page 1–4B, of Bell Model 206L RFM BHT–206L–FM–1, Revision 31, dated May 30, 2018 (BHT–206L–FM–1). Inserting a different document with ''Steady-state operation'' information identical to page 1–4B of BHT–206L–FM–1 is acceptable for compliance with the requirements of this paragraph.

(ii) Revise the existing RFM for your helicopter by inserting Section 2, Normal Procedures, page 2–10 of BHT–206L–FM–1. Inserting a different document with ''Continuous Operation'' information identical to page 2–10 of BHT–206L–FM–1 is acceptable for compliance with the requirements of this paragraph.

(iii) Remove placard P/N 230–075–213–123, if installed.

(iv) Install placard P/N 230–075–213–129 or placard P/N 230–075–213–131 on the instrument panel below the dual tachometer.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Michael Hughlett, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5889; email *9-AVS-AIR-730-AMOC@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Bell Alert Service Bulletin (ASB) 206–07–115, Revision D, and ASB 206L–07–146, Revision C, each dated July 9, 2018, which are not incorporated by reference, contain additional information about the subject of this AD. For a copy of this service information, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J 1R4; telephone 450–437–2862 or 800–363–8023; fax 450–433–0272; or at *https://www.bellcustomer.com.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in Transport Canada AD No. CF–2018–23, dated August 22, 2018. You may view the Transport Canada AD on the internet in the AD Docket at *https://www.regulations.gov.*

(i) Subject

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

Issued on January 27, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05093 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1171; Product Identifier 2017–SW–124–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH

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 Helicopters Deutschland GmbH Model MBB–BK 117 C–2 and Model MBB–BK 117 D–2 helicopters. This proposed AD was prompted by a determination that a life limit for the adapter forward (FWD) of the outboard load system, repetitive inspections of other components of that system, and for certain helicopters, a modification of the outboard load system, are necessary to address the unsafe condition. This proposed AD would require a modification of the outboard load system for certain helicopters, repetitive inspections of the outboard load system and its components for any defect (including cracking, damage, corrosion, and incorrect installation) and applicable corrective actions, and implementation of a new life limit for the FWD adapter, as specified in a European Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). 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 26, 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 is proposed for 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 material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1171.

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–2020–1171; 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: Kathleen Arrigotti, Aviation Safety Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3218; email: *kathleen.arrigotti@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–2020–1171; Product Identifier 2017–SW–124–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 this proposal because of those comments.

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

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 Kathleen Arrigotti, Aviation Safety Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3218; email: *kathleen.arrigotti@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The EASA (now European Union Aviation Safety Agency), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0177, dated September 14, 2017 (EASA AD 2017–0177) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Deutschland GmbH Model MBB–BK 117 C–2 helicopters, except the Model C–2e variant, and all Model MBB–BK 117 D–2 helicopters.

Airbus Helicopters Deutschland GmbH MBB–BK 117 C–2e variant helicopters are not a unique model on the U.S. type certificate but are considered a configuration of the Model MBB–BK117 C–2. The U.S. type certificate data sheet explains that the FAA determined that the type design changes involved did not rise to the level that required an FAA amended type certificate. However, the FAA does recognize that helicopters with these type design changes exist, therefore the designation Model MBB–BK117 C–2(e) is used, starting from Serial Number 9601. The Model MBB–BK117 C–2(e) is a visual flight rules only configuration of the Model MBB–BK117 C–2 utilizing a Garmin 500H flight display system.

This proposed AD was prompted by a determination that a life limit for the adapter FWD of the outboard load system, repetitive inspections of other components of that system, and for certain helicopters, a modification of the outboard load system, are necessary to address the unsafe condition. The FAA is proposing this AD to address detachment of an external load or person from the helicopter hoist, resulting in personal injury, or injury to persons on the ground. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2017–0177 describes procedures for modification of the outboard load system for certain Model MBB–BK 117 C–2 helicopters, repetitive inspections of the outboard load system and its components for any defect (including cracking, damage, corrosion, and incorrect installation) and corrective actions, and implementation of a new life limit for the FWD adapter (*i.e.,* repetitive replacements). The corrective actions include replacement of any defective component with a serviceable part.

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 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 after evaluating all the relevant information and determining 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 2017–0177, 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, EASA AD 2017–0177 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2017–0177 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 2017–0177 that is required for compliance with EASA AD 2017–0177 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1171 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 175 helicopters 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
2 work-hours × $85 per hour = $170	$1,306	$1,476	$258,300

* The FAA has received no definitive data that would enable providing cost estimates for the modification specified in this proposed AD.

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

ESTIMATED COSTS OF ON-CONDITION ACTION *

Labor cost	Parts cost	Cost per product
2 work-hours × $85 per hour = $170	$ (*)	$170 (*)

* The FAA has not received any definitive data regarding the parts cost, therefore this table does not include estimated costs for parts.

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) 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:

Airbus Helicopters Deutschland GmbH: Docket No. FAA–2020–1171; Product Identifier 2017–SW–124–AD.

(a) Comments Due Date

The FAA must receive comments by April 26, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model MBB–BK 117 C–2 and Model MBB–BK 117 D–2 helicopters, certificated in any category, all manufacturer serial numbers, except the Model MBB–BK117 C–2(e) configuration.

Note 1 to paragraph (c): Model MBB–BK117 C–2 helicopters utilizing a Garmin 500H flight display system are designated by EASA as Model MBB–BK117 C–2e variants of the Model BK 117 C–2 helicopters, and by the FAA as a Model MBB–BK117 C–2(e) configuration.

(d) Subject

Joint Aircraft System Component (JASC) Code 2500, Cabin Equipment/Furnishings.

(e) Reason

This AD was prompted by a determination that a life limit for the adapter forward (FWD) of the outboard load system, repetitive inspections of other components of that system, and for certain helicopters, a modification of the outboard load system are necessary to address the unsafe condition. The FAA is issuing this AD to address detachment of an external load or person from the helicopter hoist, which could result in personal injury, or injury to persons on the ground.

(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 Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2017–0177, dated September 14, 2017 (EASA AD 2017–0177).

(h) Exceptions to EASA AD 2017–0177

(1) Where EASA AD 2017–0177 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2017–0177 does not apply to this AD.

(3) Where the service information referenced in EASA AD 2017–0177 specifies contacting the applicable manufacturer of the dedicated equipment for a definition of a cycle and recalculation to hoist cycles, this AD does not require contacting the manufacturer for a definition of a cycle and recalculation to hoist cycles.

(4) Where paragraph (3) of EASA AD 2017–0177 specifies to do ''applicable corrective actions,'' for this AD, if there are any defective components, replace all defective components with serviceable components in accordance with FAA-approved procedures. For the purposes of this AD, a defect may be indicated by cracking, damage, corrosion, or incorrect installation.

(5) Although the service information referenced in EASA AD 2017–0177 specifies to discard certain parts, this AD requires removing those parts from service instead.

(6) Where the service information referenced in EASA AD 2017–0177 refers to flight hours (FH), this AD requires using hours time-in-service.

(7) Paragraph (9) of EASA AD 2017–0177 does not apply to this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the Manager of the Strategic Policy Rotorcraft Section, send it to: Manager, Strategic Policy Rotorcraft Section, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local Flight Standards District Office/Certificate Holding District Office.

(j) Related Information

(1) For EASA AD 2017–0177, 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, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. 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–2020–1171.

(2) For more information about this AD, contact Kathleen Arrigotti, Aviation Safety Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3218; email: *kathleen.arrigotti@faa.gov.*

Issued on January 5, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–05086 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0142; Project Identifier MCAI–2020–01400–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 certain Airbus SAS Model A350–941 and –1041 airplanes. This proposed AD was prompted by a report of in-production findings of missing or incorrect application of the lightning strike edge glow sealant protection at specific locations in the wing tanks. This proposed AD would require an inspection for missing or incorrect application of the lightning strike edge glow sealant protection at certain locations in the wing tanks, and corrective action, 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 26, 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 EASA 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–2021–0142.

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–2021–0142; 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: Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@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–2021–0142; Project Identifier MCAI–2020–01400–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 Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@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 EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0220, dated October 13, 2020 (EASA AD 2020–0220) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus SAS Model A350–941 and –1041 airplanes.

This proposed AD was prompted by in-production findings of missing or incorrect application of the lightning strike edge glow sealant protection at specific locations in the wing tanks. The FAA is proposing this AD to address missing or incorrectly applied sealant, which in combination with an undetected, incorrect installation of an adjacent fastener and a lightning strike in the immediate area, could result in ignition of the fuel air mixture inside the affected fuel tanks and loss of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0220 describes procedures for an inspection for missing or incorrect application of the lightning strike edge glow sealant protection at certain locations in the wing tanks (discrepancies), and corrective action. Corrective actions include applying sealant in areas where sealant was found to be missing or incorrectly applied. 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 2020–0220 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 2020–0220 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0220 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 2020–0220 that is required for compliance with EASA AD 2020–0220 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0142 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 16 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 67 work-hours × $85 per hour = Up to $5,695	$0	Up to $5,695	Up to $91,120

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
1 work-hours × $85 per hour = $85	$0	$85

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:

Airbus SAS: Docket No. FAA–2021–0142; Project Identifier MCAI–2020–01400–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 26, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0220, dated October 13, 2020 (EASA AD 2020–0220).

(d) Subject

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

(e) Reason

This AD was prompted by in-production findings of missing or incorrect application of the lightning strike edge glow sealant protection at specific locations in the wing tanks. The FAA is issuing this AD to address missing or incorrectly applied sealant, which in combination with an undetected, incorrect installation of an adjacent fastener and a lightning strike in the immediate area, could result in ignition of the fuel-air mixture inside the affected fuel tanks and loss 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 2020–0220.

(h) Exceptions to EASA AD 2020–0220

(1) Where EASA AD 2020–0220 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0220 does not apply to this AD.

(3) Where paragraph (1) of EASA AD 2020–0220 gives a compliance time of ''the next scheduled maintenance tank entry, or before exceeding 6 years since Airbus date of manufacture, whichever occurs first after the effective date of this AD,'' for this AD, the compliance time is the later of the times specified in paragraphs (h)(3)(i) and (ii) of this AD.

(i) The next scheduled maintenance tank entry, or before exceeding 6 years since Airbus date of manufacture, whichever occurs first after the effective date of this AD.

(ii) Within 6 months after the effective date of this AD.

(4) Where paragraph (2) of EASA AD 2020–0220 refers to ''discrepancies,'' for this AD, discrepancies include missing or incorrectly applied sealant.

(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 2020–0220, 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–2021–0142.

(2) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.*

Issued on March 5, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05038 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0140; Project Identifier MCAI–2020–01531–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 certain Airbus SAS Model A330–200, A330–300, A340–200, A340–300, A340–500, and A340–600 series airplanes. This proposed AD was prompted by reports that, for certain lower deck mobile crew rest (LDMCR) units, the connection of a certain halon outlet tube to the outlet of a certain fire extinguisher bottle may be incorrect. This proposed AD would require replacing each affected halon outlet tube with a flexible hose, 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 26, 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–2021–0140.

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–2021–0140; 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: Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email *vladimir.ulyanov@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–2021–0140; Project Identifier MCAI–2020–01531–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 Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email *vladimir.ulyanov@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 EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0255, dated November 13, 2020 (EASA AD 2020–0255) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus SAS Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes; and Model A340–211, –212, –213, –311, –312, –313, –541, –542, –642, and –643 airplanes. Model A340–542 and A340–643 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.

This proposed AD was prompted by reports that, for certain LDMCR units, the connection of the halon outlet tube, part number (P/N) 663075–11, to the outlet of the fire extinguisher bottle, P/N 9–2000–391 (Pacific Scientific P/N 33900012–2), may be incorrect. The FAA is proposing this AD to address this condition, which, in case of a fire inside the LDMCR, could lead to disconnection of the tube, possibly resulting in reduced concentration of fire suppressing agent at any location inside the LDMCR. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0255 describes procedures for replacing halon outlet tubes in the LDMCR with flexible hoses.

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 2020–0255 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 2020–0255 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0255 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 2020–0255 that is required for compliance with EASA AD 2020–0255 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0140 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 123 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
4 work-hours × $85 per hour = $340	$*	$340	$41,820

* The FAA has received no definitive data on which to base the parts cost estimates for the replacements specified in this proposed AD.

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:

Airbus SAS: Docket No. FAA–2021–0140; Project Identifier MCAI–2020–01531–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 26, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus SAS airplanes specified in paragraphs (c)(1) through (6) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0255, dated November 13, 2020 (EASA AD 2020–0255).

(1) Model A330–201, –202, –203, –223, and –243 airplanes.

(2) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(3) Model A340–211, –212, and –213 airplanes.

(4) Model A340–311, –312, and –313 airplanes.

(5) Model A340–541 airplanes.

(6) Model A340–642 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Reason

This AD was prompted by reports that, for certain lower deck mobile crew rest (LDMCR) units, the connection of a certain halon outlet tube to the outlet of a certain fire extinguisher bottle may be incorrect. The FAA is issuing this AD to address this condition, which, in case of a fire inside the LDMCR, could lead to disconnection of the tube, possibly resulting in reduced concentration of fire suppressing agent at any location inside the LDMCR.

(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 2020–0255.

(h) Exceptions to EASA AD 2020–0255

(1) Where EASA AD 2020–0255 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0255 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0255 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 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 (j)(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.

(k) Related Information

(1) For information about EASA AD 2020–0255, 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–2021–0140.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3229; email *vladimir.ulyanov@faa.gov.*

Issued on March 5, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05008 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0812; Project Identifier MCAI–2020–01317–A]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. 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 Pilatus Aircraft Ltd. (Pilatus) Model PC–24 airplanes. This proposed AD results

from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as the need to revise certain airworthiness limitations and certification maintenance instructions. 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 26, 2021.

ADDRESSES: You may send comments 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 service information identified in this proposed AD, contact Pilatus Aircraft Ltd., Customer Support General Aviation, CH–6371 Stans, Switzerland; phone: +41 848 24 7 365; email: *techsupport.ch@pilatus-aircraft.com;* website: *https://www.pilatus-aircraft.com.* You may view this service information at the FAA, Airworthiness Products Section, Technical Innovation Policy Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0812; 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: Doug Rudolph, Aviation Safety Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; phone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@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 Number FAA–2020–0812; Project Identifier MCAI–2020–01317–A'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

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

Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2020–0202, dated September 22, 2020 (referred to after this as ''the MCAI''), to correct an unsafe condition for Pilatus Model PC–24 airplanes. The MCAI states:

> The airworthiness limitations and certification maintenance instructions for Pilatus PC–24 aeroplanes, which are approved by EASA, are currently defined and published in Pilatus PC–24 AMM [Aircraft Maintenance Manual] Chapter 04–00–00. These instructions have been identified as mandatory for continued airworthiness.
>
> Failure to accomplish these instructions could result in an unsafe condition.
>
> Previously, EASA issued AD 2020–0074, [dated March 27, 2020,] requiring the actions described in the Pilatus PC–24 AMM Chapter 04–00–00, Document Number 02378 Issue 005 at Revision 14.
>
> Since that AD was issued, Pilatus published the ALS [Airworthiness Limitations section, at Issue 005 Revision 19], which contains the following new and/or more restrictive tasks as specified in Mandatory Structural Inspection Items data module PC24–AA04–20–0000–00A–000A–A Issue 005 Revision 00:
>
> —AL–27–00–025 and AL–27–00–026: Control column sprocket gear assembly, and
>
> —AL–27–00–027: Control wheel column assembly.
>
> In addition, Airworthiness Limitations Description data module PC24–A–A04–00–0000–00A–040A–A Issue 008 Revision 00 includes:
>
> —The new limit of validity following the completion of the Full Scale Fatigue Test, and
>
> —Usage assumptions/conditions for operations on unpaved and grass runaways.

EASA AD No. 2020–0074, dated March 27, 2020, required revising the Airworthiness Limitations section (ALS) to correct an error in the horizontal stabilizer primary trim system secondary power source operational test. The MCAI retains the requirements of EASA AD No. 2020–0074, dated March 27, 2020, which the MCAI supersedes, and requires the additional revisions discussed previously. You may examine the MCAI at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0812.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Chapter 4, Airworthiness Limitations, of Pilatus PC–24 Aircraft Maintenance Manual, data module PC24–A–A04–00–0000–00A–040A–A, Issue 008, Revision 00, dated May 26, 2020. This service information contains the parent data module and the new limit of validity and updates the usage assumptions and conditions for operations on unpaved and grass runways. This document also contains the revised subsections with revised maintenance actions.

The FAA also reviewed Pilatus PC–24 Aircraft Maintenance Manual Horizontal stabilizer primary trim system secondary power source—Operation test, data module PC24–A–E27–40–0000–01A–320A–A, Issue 007, Revision 00, dated September 25, 2019. This service information contains revised procedures for task number AL–27–40–022 in the CMR.

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 our bilateral agreement with this State of Design Authority, it has notified us of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require replacing the revised sections of the ALS described previously into the existing AMM or instructions for continued airworthiness. Updating the entire ALS, including all subsections and referenced data modules, would be acceptable for compliance with this proposed AD. An owner/operator (pilot) may incorporate the ALS revisions, and the owner/operator must enter compliance with the applicable paragraphs of the AD into the aircraft records in accordance with 14 CFR 43.9(a)(1) through (4) and 14 CFR 91.417(a)(2)(v). This is an exception to our standard maintenance regulations.

Costs of Compliance

The FAA estimates that this proposed AD would affect 42 products of U.S. registry. The FAA also estimates that it would take about 1 work-hour per product to comply with the requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, the FAA estimates the cost of the proposed AD on U.S. operators would be $3,570 or $85 per product.

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:

Pilatus Aircraft Ltd.: Docket No. FAA–2020–0812; Project Identifier MCAI–2020–01317–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 26, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pilatus Aircraft Ltd. Model PC–24 airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2740: Stabilizer Control System.

(e) Reason

This AD was prompted by the need to revise the Airworthiness Limitations section (ALS) of the existing aircraft maintenance manual (AMM) to add new and more restrictive tasks for the control column sprocket gear assembly and control wheel column assembly, to address the new limit of validity and update the usage assumptions and conditions for operations on unpaved and grass runways, and to correct an error in the horizontal stabilizer primary trim system secondary power source operational test. The FAA is issuing this AD to prevent reduction in the structural integrity of the airframe and components, as well as an unrecognized failure of the manual pitch trim. These conditions, if not addressed, could result in loss of airplane control.

(f) Actions and Compliance

(1) Before further flight, unless already done, revise the ALS of the existing AMM or instructions for continued airworthiness (ICA) for your airplane by incorporating the following documents.

(i) Pilatus PC–24 Aircraft Maintenance Manual, Airworthiness Limitations, AMM data module PC24–A–A04–00–0000–00A–040A–A, Issue 008, Revision 00, dated May 26, 2020.

(ii) Pilatus PC–24 Aircraft Maintenance Manual, Mandatory structural inspection items, data module PC24–A–A04–20–0000–00A–000A–A, Issue 005, Revision 00, dated May 26, 2020.

(iii) Pilatus PC–24 Aircraft Maintenance Manual, Certification maintenance requirements, data module PC24–A–A04–30–0000–00A–000A–A, Issue 007, Revision 00, dated October 14, 2019.

(iv) Pilatus PC–24 Aircraft Maintenance Manual, Horizontal stabilizer primary trim system secondary power source—Operation test, data module PC24–A–E27–40–0000–01A–320A–A, Issue 007, Revision 00, dated September 25, 2019. Your ALS must require this procedure for task number AL–27–40–022 in the certification maintenance requirements.

Note 1 to paragraph (f)(1) of this AD: Pilatus PC–24 Aircraft Maintenance Manual, Airworthiness Limitations, AMM data module PC24–A–A04–00–0000–00A–040A–A, Issue 008, Revision 00, dated May 26, 2020, is the parent data module for chapter 4 of the PC–24 AMM and consists of four subsections (sub-data modules). The parent data module and four sub-data modules

comprise the complete ALS of the PC–24 Aircraft Maintenance Manual. Incorporating Pilatus PC–24 Aircraft Maintenance Manual, Airworthiness Limitations, AMM data module PC24–A–A04–00–0000–00A–040A–A, Issue 008 Revision 00, dated May 26, 2020, and all four subsections listed in Section 1 General, is acceptable, but not required, for compliance with this AD.

(2) As of the effective date of this AD, except as provided in paragraph (g) of this AD, no alternative replacement times, inspection intervals, or tasks may be approved for the affected parts.

(3) The actions required by paragraph (f)(1) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a)(1) through (4), and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to Doug Rudolph, Aerospace Engineer, FAA, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; phone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO. 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.

(h) Related Information

Refer to MCAI European Union Aviation Safety Agency AD No. 2020–0202, dated September 22, 2020 for related information. You may examine the MCAI at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0812. For service information related to this AD, contact Pilatus Aircraft Ltd., Customer Support General Aviation, CH–6371 Stans, Switzerland; phone: +41 848 24 7 365; email: *techsupport.ch@pilatus-aircraft.com;* website: *https://www.pilatus-aircraft.com.* You may review this referenced service information at the FAA, Airworthiness Products Section, Technical Innovation Policy Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on January 14, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–01625 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0141; Project Identifier MCAI–2020–01162–T]

RIN 2120–AA64

Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) 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 Defense and Space S.A. Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, C–212–DE, and C–212–DF airplanes. This proposed AD was prompted by a report of cracks on the left-hand (LH) and right-hand (RH) side fuselage skin and on frame (FR) 5 underneath the skin, near the leading edge of the wing. This proposed AD would require repetitive inspections of the LH and RH side center wing fairings at FR 5, around the wing leading edge for discrepancies (cracks) and repair, 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 26, 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; 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–2021–0141.

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–2021–0141; 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; phone 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–2021–0141; Project Identifier MCAI–2020–01162–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; phone 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 EASA, which is the Technical Agent for the Member States of the European Union, has issued AD 2020–0182, dated August 13, 2020 (EASA AD 2020–0182) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus Defense and Space S.A Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, C–212–DD, C–212–DE, C–212–DF, C–212–EE and C–212–VA airplanes. Model C–212–DD, C–212–EE, and C–212–VA 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.

This proposed AD was prompted by a report of cracks on the LH and RH side fuselage skin and on FR 5 underneath the skin, near the leading edge of the wing. The FAA is proposing this AD to address cracks on the LH and RH side fuselage skin and on FR 5 underneath the skin, near the leading edge of the wing, which could affect the structural integrity of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0182 describes procedures for repetitive detailed visual inspections of the LH and RH side center wing fairings at FR 5, around the wing leading edge for discrepancies (cracks) and repair.

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 2020–0182 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD and except as discussed under ''Differences Between this Proposed AD and the MCAI.''

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 2020–0182 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0182 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 2020–0182 that is required for compliance with EASA AD 2020–0182 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0141 after the FAA final rule is published.

Differences Between This Proposed AD and the MCAI

Although the MCAI allows further flight after cracks are found during compliance with the required action, paragraph (h)(3) of this AD requires that you repair the cracks before further flight.

Costs of Compliance

The FAA estimates that this proposed AD affects 45 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
3 work-hours × $85 per hour = $255	$0	$255	$11,475

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs 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 Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.): Docket No. FAA–2021–0141; Project Identifier MCAI–2020–01162–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 26, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Defense and Space S.A. (formerly known as Construcciones Aeronauticas, S.A.) Model C–212–CB, C–212–CC, C–212–CD, C–212–CE, C–212–CF, C–212–DE, and C–212–DF airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0182, dated August 13, 2020 (EASA AD 2020–0182).

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by a report of cracks on the left-hand (LH) and right-hand (RH) side fuselage skin and on frame (FR) 5 underneath the skin, near the leading edge of the wing. The FAA is issuing this AD to address cracks on the LH and RH side fuselage skin and on FR 5 underneath the skin, near the leading edge of the wing, which could affect the structural integrity 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 2020–0182.

(h) Exceptions to EASA AD 2020–0182

(1) Where EASA AD 2020–0182 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0182 does not apply to this AD.

(3) Where paragraph (2) of EASA AD 2020–0182 specifies to ''contact Airbus D&S for approved instructions and accomplish those instructions accordingly'' if discrepancies are detected, for this AD, if any cracking is detected, the cracking must be repaired before further flight using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus Defense and Space S.A.'s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0182 specifies to submit certain information to the manufacturer in case of no finding, 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 Airbus Defense and Space S.A's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) For information about EASA AD 2020–0182, 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.* 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–2021–0141.

(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; phone and fax: 206–231–3220; email: *shahram.daneshmandi@faa.gov.*

Issued on March 5, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05039 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0574; FRL10020–86–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Emissions Statement Certification for the 2015 Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision formally submitted by the District of Columbia Department of Energy and the Environment (DOEE). Under the Clean Air Act (CAA), a state's SIP must include an emission statement

regulation that requires stationary sources in ozone nonattainment areas classified as marginal or above to report annual emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOC). This SIP revision provides the District's certification that its existing emissions statement program satisfies the emissions statement requirements of the CAA for the 2015 ozone National Ambient Air Quality Standard (NAAQS). EPA is proposing to approve the District's emissions statement program certification for the 2015 ozone NAAQS as a SIP revision in accordance with the requirements of the CAA.

DATES: Written comments must be received on or before April 12, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2020–0574 at *https://www.regulations.gov,* or via email to *Gordon.Mike@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Serena Nichols, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2053. Ms. Nichols can also be reached via electronic mail at *Nichols.Serena@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Under the CAA, EPA establishes NAAQS for criteria pollutants in order to protect human health and the environment. In response to scientific evidence linking ozone exposure to adverse health effects, EPA promulgated the first ozone NAAQS, the 0.12 part per million (ppm) 1-hour ozone NAAQS, in 1979. See 44 FR 8202 (February 8, 1979). The CAA requires EPA to review and reevaluate the NAAQS every five years in order to consider updated information regarding the effects of the criteria pollutants on human health and the environment. On July 18, 1997, EPA promulgated a revised ozone NAAQS, referred to as the 1997 ozone NAAQS, of 0.08 ppm averaged over eight hours. 62 FR 38856. This 8-hour ozone NAAQS was determined to be more protective of public health than the previous 1979 1-hour ozone NAAQS. In 2008, EPA strengthened the 8-hour ozone NAAQS from 0.08 to 0.075 ppm. See 73 FR 16436 (March 27, 2008). In 2015, EPA further lowered the 8-hour ozone NAAQS from 0.075 ppm to 0.070 ppm. The 0.070 ppm standard is referred to as the 2015 ozone NAAQS. See 80 FR 65452 (October 26, 2015).

On June 4, 2018 and July 25, 2018, EPA designated nonattainment areas for the 2015 ozone NAAQS. 83 FR 25776 and 83 FR 35136. Effective August 3, 2018 (83 FR 25776, June 4, 2018), the Washington, DC-MD-VA area was designated as marginal nonattainment for the 2015 ozone NAAQS. See 40 CFR 81.309. Section 182 of the CAA identifies plan submissions and requirements for ozone nonattainment areas. Specifically, CAA section 182(a)(3)(B) requires that states develop and submit, as a revision to their SIP, rules which establish annual emission reporting requirements for certain stationary sources. Sources that are within ozone nonattainment areas must annually report the actual emissions of NO_X and VOC to the state. However, states may waive this requirement for sources that emit under 25 tons per year (tpy) of NO_X or VOC if the state provides an inventory of emissions from such class or category of sources as required by CAA sections 172 and 182. See CAA section 182(a)(3)(B)(ii).

EPA published guidance on source emissions statements in a July 1992 memorandum titled, ''Guidance on the Implementation of an Emission Statement Program'' [1] and in a March 14, 2006 memorandum titled, ''Emission Statement Requirements Under 8-hour Ozone NAAQS Implementation'' (2006 memorandum).[2] In addition, on December 6, 2018, EPA issued a final rule addressing a range of nonattainment area SIP requirements for the 2015 ozone NAAQS, including the emission statement requirements of CAA section 182(a)(3)(B) (2018 final rule). 83 FR 62998, codified at 40 CFR part 51, subpart CC. The 2006 memorandum clarified that the emissions statement requirement of CAA section 182(a)(3)(B) was applicable to all areas designated nonattainment for the 1997 ozone NAAQS and classified as marginal or above under subpart 2, part D, title I of the CAA. Per EPA's 2018 final rule, the emissions statement requirement also applies to all areas designated nonattainment for the 2015 ozone NAAQS. 83 FR 62998, 63023 (December 6, 2018).

According to the preamble to EPA's 2018 final rule, most areas that are required to have an emissions statement program for the 2015 ozone NAAQS already have one in place due to a nonattainment designation for an earlier ozone NAAQS. 83 FR 62998, 63001 (December 6, 2018). EPA's 2018 final rule states that, ''Many air agencies already have regulations in place to address certain nonattainment area planning requirements due to nonattainment designations for a prior ozone NAAQS. Air agencies should review any existing regulation that was previously approved by the EPA to determine whether it is sufficient to fulfill obligations triggered by the revised ozone NAAQS.'' Id. In cases where an existing emissions statement rule is still adequate to meet the emissions statement requirement under the 2015 ozone NAAQS, states may provide the rationale for that determination to EPA in a written statement for approval into the SIP to meet the requirements of CAA section 182(a)(3)(B). 83 FR 62998, 63002 (December 6, 2018). In this statement, states should identify how the emissions statement requirements of CAA section 182(a)(3)(B) are met by their existing emissions statement rule. Id. In summary, the District can submit, as a formal revision to its SIP, a statement certifying that the District's existing emissions statement program

[1] July 1992 memorandum titled, ''Guidance on the Implementation of an Emission Statement Program is available online at *https://www.epa.gov/sites/production/files/2015-09/documents/emission_statement_program_zypdf.pdf,* Docket ID: EPA–R03–QAR–2020–0574.

[2] March 14, 2006 memorandum titled, ''Emission Statement Requirements Under 8-hour Ozone NAAQS Implementation'' is available online at *https://www.epa.gov/sites/production/files/2015-07/documents/8hourozone_naaqs_031406.pdf,* Docket ID: EPA–R03–OAR–2020–0574.

satisfies the requirements of CAA section 182(a)(3)(B) and covers the District's portion of the Washington, DC-MD-VA nonattainment area for the 2015 ozone NAAQS.

As additional background, on July 12, 2019, EPA approved a revision to the District's SIP which corrected the citation to the District of Columbia Municipal Regulations (DCMR) where the requirement for stationary sources to submit emissions statements for NO_X and VOC are found. 84 FR 27202 (June 12, 2019). The District's emission statement regulation is currently found at 20 DCMR section 500.9.

II. Summary of SIP Revision and EPA Analysis

On June 4, 2020, the District, through DOEE, submitted as a formal SIP revision, a statement certifying that the District's existing SIP-approved emissions statement program covers the District's portion of the Washington, DC-MD-VA nonattainment area for the 2015 ozone NAAQS and is at least as stringent as the requirements of CAA section 182(a)(3)(B). In its submittal, the District states that 20 DCMR section 500.9 contains emissions reporting requirements consistent with CAA section 182(a)(3)(B)(i), and that 20 DCMR section 500.9 is approved into the District's SIP. See 40 CFR 52.2420(c). EPA first approved the District's emissions statements requirements, now found at 20 DCMR section 500.9, into the District's SIP on May 26, 1995 (60 FR 27944).[3] See also 40 CFR 52.470.

EPA's review of the District's submittal finds that the District's existing, SIP-approved emissions statement program at 20 DCMR section 500.9 satisfies the emission statement requirements of CAA section 182(a)(3)(B) for the 2015 ozone NAAQS. The District's regulation requires the owner of any stationary source located in the District that emits 25 tpy or more of VOC or NO_X to submit an emissions statement to the Mayor by April 15 of each year for the emissions discharged during the previous calendar year. Emissions statements are required to be prepared and submitted in accordance with 20 DCMR section 500.9.

These emissions statements are required to be submitted annually for the previous calendar year and, at a minimum, must contain the following: (1) Certification that the information in the statement is accurate to the best knowledge of the individual certifying the statement as well as the certifying individual's name and contact information; (2) source identification information including name, physical location, mailing address of the facility, latitude and longitude, and standard industrial classification code(s); (3) operating information including percentage annual throughput by season, days per week on the normal operating schedule, hours per day during the normal operating schedule, and hours per year during the normal operating schedule; (4) process rate data including annual process rate and peak ozone season daily process rate; (5) control equipment information; and (6) emissions information including, but not limited to, estimated actual emissions of NO_X and VOC in tpy and pounds per typical ozone season day. These reporting requirements in 20 DCMR section 500.9 meet the requirements of CAA section 182(a)(3)(B)(i).

As allowed by CAA section 182(a)(3)(B)(ii), the District has waived the emissions reporting requirement for stationary sources emitting less than 25 tpy of NO_X or VOCs because the District includes these emissions in reports to EPA. CAA section 182(a)(3)(B)(ii) allows the State to waive the application of clause (i) to any class or category of stationary sources which emit less than 25 tons per year of VOC or NO_X if the State, in its submissions under subparagraphs (1) or (3)(A), provides an inventory of emissions from such class or category of sources, based on the use of the emission factors established by the Administrator or other methods acceptable to the Administrator.

As noted in the District's June 4, 2020 submittal, pursuant to the Air Emissions Reporting Requirements rule at 40 CFR part 51, the District is required to submit emissions inventories for criteria pollutants to EPA's Emissions Inventory System (EIS), and that sources emitting less than 25 tpy of NO_X or VOC are included in these inventories as area sources. The submission also notes that emissions from these sources are calculated using emission factors approved by the Administrator. These small stationary sources are therefore addressed in accordance with CAA section 182(a)(3)(B)(ii).

Therefore, EPA has determined that the District's existing emissions statement program, as set forth at 20 DCMR section 500.9, which is currently in the District's SIP, and the District's reporting for sources emitting less than 25 tpy of NO_X or VOC, meet the emissions statement requirements in CAA section 182(a)(3)(B) for the 2015 ozone NAAQS. EPA is proposing to approve, as a SIP revision, the District's June 4, 2020 emissions statement program certification as meeting the requirements of CAA section 182(a)(3)(B) for the 2015 ozone NAAQS.

III. Proposed Action

EPA is proposing to approve the District's SIP revision submitted on June 4, 2020, which certifies that District's existing SIP-approved emissions statement program under 20 DCMR section 500.9 satisfies the requirements of CAA section 182(a)(3)(B) for the 2015 ozone NAAQS. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not a significant regulatory action under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or

[3] 20 DCMR sections 500.4 through 500.6 were also approved into the District's SIP on January 26, 1995 (60 FR 5134) and October 27, 1999 (64 FR 57777), respectively. These provisions concern reporting requirements related to the transfer of gasoline products.

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 proposed rulemaking, in which EPA is proposing approval of the District's certification that its existing emission statement program satisfies the emission statement requirements of the CAA for the 2015 ozone NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: March 3, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

[FR Doc. 2021–05097 Filed 3–10–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[EPA–HQ–OW–2020–0530; FRL 10019–46–OW]

RIN 2040–AF89

Revisions to the Unregulated Contaminant Monitoring Rule (UCMR 5) for Public Water Systems and Announcement of Public Meeting

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and notice of public meeting.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is proposing a Safe Drinking Water Act (SDWA) rule that would require public water systems to collect national occurrence data for 29 per- and polyfluoroalkyl substances (PFAS) and lithium. This proposed rule would require all community and non-transient non community water systems serving 3,300 or more people, and a representative sample of smaller water systems, to conduct monitoring. PFAS and lithium are not currently subject to national primary drinking water regulations, and EPA is proposing to require the collection of drinking water occurrence data to inform EPA decisions. This proposal fulfills a key commitment in ''EPA's 2019 Per- and Polyfluoroalkyl Substances (PFAS) Action Plan'' (*https://www.epa.gov/pfas/epas-pfas-action-plan*) by proposing the collection of more drinking water occurrence data for a broader group of PFAS. EPA is also announcing two public meetings (via webinar) to discuss this proposal of the fifth Unregulated Contaminant Monitoring Rule (UCMR 5).

DATES: Comments must be received on or before May 10, 2021. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before April 12, 2021.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OW–2020–0530, by any of the following methods:

• *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.

• *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Water Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

• *Hand Delivery or Courier (by scheduled appointment only):* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. EPA–HQ–OW–2020–0530 for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform.

We encourage the public to submit comments via *https://www.regulations.gov/* or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

EPA is offering a virtual meeting twice during the public comment period. For more details on the meeting (including dates and times) and to register, please visit *https://www.epa.gov/dwucmr/unregulated-contaminant-monitoring-rule-ucmr-meetings-and-materials.* Refer to the **SUPPLEMENTARY INFORMATION** section of this document for additional information.

FOR FURTHER INFORMATION CONTACT: Brenda D. Bowden, Standards and Risk Management Division (SRMD), Office of Ground Water and Drinking Water (OGWDW) (MS 140), Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268; telephone number: (513) 569–7961; email address: *bowden.brenda@epa.gov;* or Melissa Simic, SRMD, OGWDW (MS 140), Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268; telephone number: (513) 569–7864; email address: *simic.melissa@epa.gov.* For general information, visit the Safe Drinking Water Information web page on the internet at: *https://www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-information.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Summary Information

A. Purpose of the Regulatory Action

1. What action is EPA taking?

EPA is proposing a SDWA rule that would require public water systems to collect national occurrence data for 29 PFAS and lithium. This proposed rule would require all community and non-transient non community water systems serving 3,300 or more people, and a representative sample of smaller water systems, to conduct monitoring. PFAS and lithium are not currently subject to national primary drinking water regulations, and EPA is proposing to require collection of the data to inform EPA decisions. This proposal fulfills a key commitment in ''EPA's 2019 Per- and Polyfluoroalkyl Substances (PFAS) Action Plan'' (USEPA, 2019a) by proposing the collection of more drinking water occurrence data for a broader group of PFAS.

This proposal identifies three analytical methods to support water system monitoring for a total of 30 contaminants, consisting of 29 PFAS and lithium. This document also describes EPA's evaluation of other candidate contaminants, including *Legionella pneumophila;* four haloacetonitriles (dichloroacetonitrile, dibromoacetonitrile, trichloroacetonitrile, and bromochloroacetonitrile); 1,2,3-trichloropropane; and ''total organic fluorine'' (TOF), and invites public comment.

2. Does this action apply to me?

This proposed rule applies to public water systems (PWSs) described in this section. PWSs are systems that provide water for human consumption through pipes, or constructed conveyances, to at least 15 service connections or that regularly serve an average of at least 25 individuals daily at least 60 days out of the year. A community water system (CWS) is a PWS that has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. A non-transient non-community water system (NTNCWS) is a PWS that is not a CWS and that regularly serves at least 25 of the same people over 6 months per year. Under this proposal, all large CWSs and NTNCWSs serving more than 10,000 people would be required to monitor. In addition, all small CWSs and NTNCWs serving between 3,300 and 10,000 people would be required to monitor, subject to the availability of appropriations and appropriate laboratory capacity (see discussion of America's Water Infrastructure Act of 2018 in sections I.A. and I.B of this document). A nationally representative sample of CWSs and NTNCWSs serving fewer than 3,300 people would also be required to monitor (see ''Selection of Nationally Representative Public Water Systems for the Unregulated Contaminant Monitoring Rule: 2020 Update'' for a description of the statistical approach for the nationally representative sample (USEPA, 2020a)). As is generally the case for UCMR sampling, transient non-community water systems (TNCWSs) (*i.e.,* non-community water systems that do not regularly serve at least 25 of the same people over 6 months per year) would not be required to monitor under UCMR 5. States, territories, and tribes with primary enforcement responsibility (primacy) to administer the regulatory program for PWSs under SDWA (sometimes collectively referred to in this notice as ''states''), can participate in the implementation of UCMR 5 through voluntary Partnership Agreements (see discussion of Partnership Agreements in section III.N in this document). Primacy agencies with Partnership Agreements can choose to be involved in various aspects of the UCMR 5 monitoring for PWSs they oversee; however, the PWS remains responsible for all compliance activities. Potentially regulated categories and entities are identified in the following table.

Category	Examples of potentially regulated entities	NAICS [a]
State, local, & tribal governments.	State, local, and tribal governments that analyze water samples on behalf of PWSs required to conduct such analysis; state, local, and tribal governments that directly operate CWSs and NTNCWSs required to monitor.	924110

Category	Examples of potentially regulated entities	NAICS [a]
Industry	Private operators of CWSs and NTNCWSs required to monitor	221310
Municipalities	Municipal operators of CWSs and NTNCWSs required to monitor	924110

[a] NAICS = North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your entity is regulated by this action, you should carefully examine the definition of PWS found in §§ 141.2 and 141.3, and the applicability criteria found in § 141.40(a)(1) and (2) of Title 40 in the Code of Federal Regulations (CFR). If you have questions regarding the applicability of this action to a particular entity, please consult the contacts listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this document.

3. What is EPA's authority for taking this action?

As part of its responsibilities under the SDWA, EPA implements § 1445(a)(2), Monitoring Program for Unregulated Contaminants. This section, as amended in 1996, requires that once every five years, beginning in August 1999, EPA issues a list of not more than 30 unregulated contaminants to be monitored by PWSs. The SDWA requires that EPA enters the monitoring data into the Agency's publicly available National Contaminant Occurrence Database (NCOD) at *https://www.epa.gov/sdwa/national-contaminant-occurrence-database-ncod.*

EPA must vary the frequency and schedule for monitoring based on the number of persons served, the source of supply, and the contaminants likely to be found. EPA is using the SDWA § 1445(a)(2) authority as the basis for monitoring the unregulated contaminants proposed under this rule.

The SDWA, as amended by Section 2021 of America's Water Infrastructure Act of 2018 (AWIA) (Pub. L. 115–270), specifies that, subject to the availability of EPA appropriations for such purpose and appropriate laboratory capacity, EPA's UCMR program must require all systems serving between 3,300 and 10,000 persons to monitor for the contaminants in a particular UCMR cycle, and ensure that only a nationally representative sample of systems serving fewer than 3,300 persons are required to monitor for those contaminants. The program would continue to ensure that systems serving a population larger than 10,000 people are required to monitor for the contaminants in a particular UCMR cycle. This AWIA provision becomes effective October 23, 2021 (*i.e.,* prior to the start of UCMR 5 sample collection).

The SDWA, as amended by Section 7311 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) (Pub. L. 116–92), specifies that EPA shall include all PFAS in UCMR 5 for which a drinking water method has been validated by the Administrator, and that are not subject to a national primary drinking water regulation. The NDAA specifies that unregulated PFAS included in UCMR 5 shall not count towards the traditional SDWA limit of not more than 30 unregulated contaminants being included in the UCMR (§ 1445(a)(2)(B)(i)).

B. Summary of the Regulatory Action

EPA is proposing to require PWSs to collect occurrence data for 29PFAS and lithium. These contaminants may be present in drinking water, but are not subject to national primary drinking water regulations. This proposal fulfills a key commitment in EPA's 2019 PFAS Action Plan (USEPA, 2019a) by proposing the collection of more drinking water occurrence data for a broader group of PFAS. More specifically, the UCMR 5 proposal identifies the following: Analytical methods to measure the UCMR contaminants; monitoring time frame; sampling locations; data elements (*i.e.,* information required to be collected along with the occurrence data); data reporting timeframes; and conforming and editorial changes, such as those necessary to remove requirements solely related to UCMR 4.

This proposal includes monitoring for lithium based on anticipated national occurrence in PWS-supplied drinking water and available health-effects information that indicates adverse human health effects in several organs and systems (USEPA, 2008). Nationally representative occurrence data from EPA's National Inorganics and Radionuclides Survey, 1984–1986, shows lithium was detected at levels between 5 and 7,929 µg/L (microgram per liter) in the finished drinking water of approximately 55% of PWSs (ground water systems only) (USEPA, 2009). In more recent literature, lithium was detected in 56% of treated drinking water samples from 25 PWSs at a median concentration of 10.8 µg/L (Glassmeyer et al., 2017). EPA has determined that monitoring for lithium under the UCMR is needed to assess the occurrence of this contaminant nationally.

This proposed action would provide EPA, states, and communities with scientifically valid data on the national occurrence of these contaminants in drinking water. The data represent one of the primary sources of national occurrence data in drinking water that EPA uses to inform regulatory and other risk management decisions for drinking water contaminant candidates. This proposal identifies three analytical methods to be used by laboratories analyzing UCMR samples for the unregulated contaminants. In addition, EPA describes how it evaluated other candidate contaminants, including *Legionella pneumophila;* four haloacetonitriles (dichloroacetonitrile, dibromoacetonitrile, trichloroacetonitrile, and bromochloroacetonitrile); 1, 2, 3-trichloropropane; and ''total organic fluorine'' (TOF). In section III.F, EPA describes why it has not proposed these particular contaminants for UCMR 5. The UCMR 5 proposal reflects a consideration of the utility of the information to be collected. Due to ongoing regulatory evaluations, described in the following sections, data collection for *Legionella pneumophila* and the four haloacetonitriles would not be sufficiently timely to be useful.

This proposed rule reflects the monitoring approach defined in the AWIA and thus describes the UCMR 5 scope as including all systems serving 3,300 or more people (as opposed to a representative sample of those systems serving 3,300 to 10,000), and a representative sample of systems serving fewer than 3,300 people. EPA has the statutory obligation under the SDWA to pay the ''reasonable cost of such testing and laboratory analysis'' for all applicable PWS serving 10,000 or fewer individuals. Accordingly, the AWIA conditioned the inclusion of all systems serving 3,300 to 10,000 persons in UCMR 5 on the availability of appropriations. AWIA also conditioned the inclusion of all systems serving 3,300 to 10,000 persons in UCMR 5 on

a determination by the Administrator of sufficient laboratory capacity to analyze the samples.

Based on EPA's experience over the first four cycles of UCMR implementation, and informed by our ongoing engagement with the laboratory community, EPA anticipates that sufficient laboratory capacity will exist to support the expanded UCMR scope. Regarding EPA's resources, however, if EPA concludes that it will not have the resources necessary to support the expanded monitoring described by the AWIA, the Agency will not promulgate a final rule that requires all water systems serving between 3,300 and 10,000 persons to monitor as presented in this proposed rule. Accordingly, this proposal also describes EPA's alternative plan (*i.e.,* in the absence of adequate funds) that would involve selecting a representative sample of small PWSs consistent with the approach established under the original (pre-AWIA) UCMR program (*i.e.,* that used for UCMR 4 and for prior cycles) which includes 800 representative water systems serving fewer than or equal to 10,000 in the UCMR program. See ''Selection of Nationally Representative Public Water Systems for the Unregulated Contaminant Monitoring Rule: 2020 Update'' for further details about the nationally representative sample (USEPA, 2020a)).

This proposed rule also addresses the requirements of the NDAA by including all 29 PFAS that are within the scope of EPA Methods 533 and 537.1. Both of these methods have been validated by EPA for drinking water analysis.

C. Economic Analysis

1. What is the estimated cost of this proposed action?

EPA estimates the total average national cost of this proposed action will be $21 million per year over the five-year effective period of the rule (2022–2026). Costs fall upon large PWSs (for sampling and analysis); small PWS (for sampling); state regulatory agencies (*i.e.,* those who volunteer to assist EPA with oversight and implementation support); and EPA (for regulatory support and oversight activities, and analytical and shipping costs for small PWSs). These costs are summarized in Exhibit 1. EPA has further documented the assumptions and data sources used in the preparation of this estimate in the ''Draft Information Collection Request for the Unregulated Contaminant Monitoring Rule (UCMR 5)'' (USEPA, 2020b).

Costs for a particular UCMR cycle are heavily influenced by the selection of contaminants and associated analytical methods. EPA proposes three EPA-developed analytical methods (and, in the case of lithium, multiple optional alternative methods) to analyze samples for the UCMR 5 chemical contaminants. EPA's estimate of the analytical cost for the UCMR 5 contaminants is $950 per sample set (*i.e.,* $950 to analyze a set of samples from one sample point and one sample event for all of the UCMR 5 contaminants). EPA calculated these costs by summing the laboratory unit cost of each method. Exhibit 1 presents a breakdown of EPA-estimated annual average national costs. Estimated PWS- (*i.e.,* large and very large) and EPA costs reflect the analytical cost (*i.e.,* non-labor) for all the UCMR 5 methods. EPA pays for the analytical costs for all systems serving a population of 10,000 or fewer people. Laboratory analysis and sample shipping account for approximately 82% of the total national cost for the implementation of UCMR 5. EPA estimated laboratory unit costs based on consultations with multiple commercial drinking water testing laboratories and, in the case of new methods, a review of the costs of analytical methods similar to those proposed in this action. The cost of the laboratory methods includes shipping along with the cost for the analysis.

EPA expects that states may incur modest labor costs associated with voluntary assistance with the implementation of UCMR 5. EPA estimated state costs using the relevant assumptions from the State Resource Model developed by the Association of State Drinking Water Administrators (ASDWA) (ASDWA, 2013) to help states forecast resource needs. Model estimates were adjusted to account for actual levels of state participation under UCMR 4. State assistance with EPA's implementation of UCMR 5 is voluntary; thus, the level of effort is expected to vary among states and would depend on their individual agreements with EPA.

EPA assumes that one-third of the systems would monitor during each of the three sample-collection years from January 2023 through December 2025. The total estimated annual costs (labor and non-labor) including the additional small systems included according to the AWIA mandate would be incurred as follows:

EXHIBIT 1—ESTIMATED AVERAGE ANNUAL COSTS OF THE PROPOSED UCMR 5 [1]

Entity	Average annual cost (million) (2022–2026) [2]
Small Systems (25–10,000), including labor [3] only (non-labor costs [4] paid for by EPA)	$0.3
Large Systems (10,001–100,000), including labor and non-labor costs	7.2
Very Large Systems (100,001 and greater), including labor and non-labor costs	2.3
States, including labor costs related to implementation coordination	0.8
EPA, including labor for implementation and non-labor for small system testing	[5] 10.5
Average Annual National Total	21.1

[1] Based on the scope of small-system monitoring described in AWIA.

[2] Totals may not equal the sum of components due to rounding.

[3] Labor costs pertain to systems, states, and EPA. Costs include activities such as reading the rule, notifying systems selected to participate, sample collection, data review, reporting, and record keeping.

[4] Non-labor costs will be incurred primarily by EPA and by large and very large PWSs. They include the cost of shipping samples to laboratories for testing and the cost of the laboratory analyses.

[5] EPA estimates an average annual cost to the Agency of $17M/year (over a five-year cycle) for a typical UCMR program that involves the expanded scope prescribed by AWIA ($2M/year for the representative sample of 800 PWSs serving <3,300 and $15M/year for all PWSs serving between 3,300 and 10,000); EPA projects an average annual cost of $10.5M for UCMR 5, as proposed, based on the relatively lower than typical unit analytical costs associated with the proposed UCMR 5 contaminants.

Additional details regarding EPA's cost assumptions and estimates can be found in the Draft Information Collection Request (ICR) (USEPA, 2020b), ICR Number 2040–NEW, which presents estimated cost and labor hours for the 5-year UCMR 5 period of 2022–2026. Copies of the Draft ICR may be obtained from the EPA public docket for this proposed rule, under Docket ID No. EPA–HQ–OW–2020–0530. See also section III.G of this document for a discussion of cost scenarios based on potential changes between the publication of this proposed rule and the final rule.

2. Benefits of the Proposed Action

The public benefits from the information about whether or not unregulated contaminants are present in their drinking water. If contaminants are not found, consumer confidence in their drinking water will improve. If contaminants are found, related health effects may be avoided when subsequent actions, such as regulations, reduce or eliminate those contaminants.

II. Public Participation

A. Written Comments

Submit your comments, identified by Docket ID No. EPA–HQ–OW–2020–0530, at *https://www.regulations.gov* or other methods identified in the **ADDRESSES** section of this document. Once submitted, comments cannot be edited or removed from the docket. 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. Contact EPA if you want to submit CBI; see **FOR FURTHER INFORMATION CONTACT** section of this document. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, 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.* EPA is temporarily suspending its Docket Center and Reading Room for public visitors, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov/* as there may be a delay in processing mail and faxes. Hand deliveries or couriers will be received by scheduled appointment only. For further information and updates on EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets.*

EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID–19.

B. What stakeholder meetings have been held in preparation for UCMR 5?

EPA incorporates stakeholder involvement into each UCMR cycle. Specific to the development of UCMR 5, EPA held two public stakeholder meetings and is announcing two additional public meetings via webinars in this proposal (see section II.C of this document). EPA held a meeting focused on drinking water methods for unregulated contaminants on June 6, 2018, in Cincinnati, Ohio. Representatives from state agencies, laboratories, PWSs, environmental organizations, and drinking water associations joined the meeting via webinar and in person. Meeting topics included an overview of regulatory process elements (including the Contaminant Candidate List (CCL), UCMR, and Regulatory Determination), and drinking water methods under development (see USEPA, 2018a for presentation materials). EPA held a second stakeholder meeting on July 16, 2019, in Cincinnati, Ohio. Participants representing state agencies, tribes, laboratories, PWSs, environmental organizations, and drinking water associations participated in the meeting via webinar and in person. Meeting topics included the impacts of the AWIA, analytical methods and contaminants being considered by EPA, potential sampling design, and other possible aspects of the UCMR 5 approach (see USEPA, 2019b for meeting materials).

This proposal fulfills a commitment made in EPA's PFAS Action Plan found on EPA's website at *https://www.epa.gov/pfas/epas-pfas-action-plan.* EPA conducted extensive public outreach in the development of the PFAS Action Plan (USEPA, 2019a), including gathering diverse perspectives through the May 2018 ''National Leadership Summit,'' direct engagement with the public in impacted communities in five states, engagement with tribal partners, and roundtables conducted with community leaders near impacted sites. EPA reviewed approximately 120,000 comments in the public docket that was specifically established to gather input for the PFAS Action Plan (USEPA, 2019a). Through this outreach, EPA heard significant concerns from the public on the challenges these contaminants pose for communities nationwide, and the need for improved understanding of the frequency and concentration of PFAS occurrence in finished U.S. drinking water.

C. How do I participate in the upcoming stakeholder meeting?

EPA will hold two virtual stakeholder meetings during the public comment period. Topics will include the proposed UCMR 5 monitoring requirements, analyte selection and rationale, analytical methods, the laboratory approval process, and ground water representative monitoring plans (GWRMPs). If stakeholder interest results in exceeding the maximum number of available connections for participants in the first two webinar offerings, EPA may schedule additional webinars, with dates and times posted on EPA's Unregulated Contaminant Monitoring Program Meetings and Materials web page at *https://www.epa.gov/dwucmr/unregulated-contaminant-monitoring-rule-ucmr-meetings-and-materials.*

Please note that EPA is deviating from its typical approach because the President has declared a national emergency. Because of current CDC recommendations, as well as state and local orders for social distancing to limit the spread of COVID–19, EPA cannot hold in-person public meetings at this time.

1. Meeting Participation

Those who wish to participate in the initial public meeting or repeat subsequent webinar offerings can find information on how to register, including dates and times, at *https://www.epa.gov/dwucmr/unregulated-contaminant-monitoring-rule-ucmr-meetings-and-materials.* To ensure adequate time for public statements, individuals or organizations interested in making a statement should identify their interest when they register. We ask that only one person present on behalf of a group or organization, and that the presentation be limited to ten minutes. Any additional statements from participants will be taken during the meeting if time permits. Formal

comments must be submitted to the docket. The number of webinar connections available for the meeting is limited and will be available on a first-come, first-served basis. Further details about registration and participation can be found on EPA's Unregulated Contaminant Monitoring Program Meetings and Materials web page at *https://www.epa.gov/dwucmr/unregulated-contaminant-monitoring-rule-ucmr-meetings-and-materials.*

2. Meeting Materials

EPA expects to send meeting materials by email to all registered participants prior to the meeting. The materials will be posted on EPA's website at *https://www.epa.gov/dwucmr/unregulated-contaminant-monitoring-rule-ucmr-meetings-and-materials* for persons who do not participate in the webinar.

III. General Information

A. How does EPA use different monitoring tiers to implement the Unregulated Contaminant Monitoring Program?

EPA published the list of contaminants for the first UCMR (UCMR 1) in the **Federal Register** (FR) on September 17, 1999 (64 FR 50556, (USEPA, 1999)), the second UCMR (UCMR 2) on January 4, 2007 (72 FR 367, (USEPA, 2007)), the third UCMR (UCMR 3) on May 2, 2012 (77 FR 26072, (USEPA, 2012)), and the fourth UCMR (UCMR 4) on December 20, 2016 (81 FR 92666, (USEPA, 2016a)). EPA has utilized up to three different tiers of contaminant monitoring, associated with three different ''lists'' of contaminants, in past UCMRs. EPA designed the monitoring tiers to reflect the availability and complexity of analytical methods, laboratory capacity, sampling frequency, and cost, as well as labor hours on and the characteristics of PWSs performing the monitoring. For example, monitoring that is more complex, costly, and/or tailored is more likely to be implemented under the second or third tiers, as described below.

The Assessment Monitoring tier is the largest in scope and is used to collect data to determine the national occurrence of ''List 1'' contaminants in PWS-supplied drinking water for the purpose of estimating national population exposure. The Assessment Monitoring tier has been used in the four previous UCMRs to collect occurrence data from all systems serving more than 10,000 people and a representative sample of 800 smaller systems. Consistent with the AWIA, the Assessment Monitoring approach was redesigned for the proposed UCMR 5 and would require all systems serving 3,300 or more people and a representative sample of systems serving fewer than 3,300 to perform monitoring (USEPA, 2020a). The population-weighted sampling design for the nationally representative sample of small systems (used in previous UCMR cycles to select 800 systems serving 10,000 or fewer, and proposed to be used in UCMR 5 to select 800 systems serving fewer than 3,300) calls for the sample to be stratified by water source type (ground water or surface water), service size category, and state (where each state is allocated a minimum of two systems in its State Monitoring Plan). The allowable margin of error at the 99% confidence level is ±1% for an expected contaminant occurrence of 1%. Assessment Monitoring is the primary tier used for contaminants and generally relies on analytical methods that use more common techniques, and are expected to be widely available. EPA has used an Assessment Monitoring tier for 72 contaminants and contaminant groups over the course of UCMR 1 through UCMR 4. The Agency is proposing to exclusively require Assessment Monitoring in UCMR 5 and anticipates that this will generally be the case in future UCMR cycles when practical, since this monitoring approach yields the most complete set of occurrence data to support EPA's decision making.

The Screening Survey tier is smaller in scope than Assessment Monitoring, applying to all very large water systems serving more than 100,000 people, 320 randomly selected systems serving 10,001 to 100,000 people, and 480 randomly selected systems serving 10,000 or fewer people. The Screening Survey approach is used to collect data to determine the national occurrence of ''List 2'' contaminants in PWS-supplied drinking water. This tier generally pertains to monitoring with less established analytical techniques, such that laboratory capacity and/or cost may be a concern. The Screening Survey design for the nationally representative sample of PWSs serving fewer than 100,000 people has an allowable margin of error of ±1% at the 99% confidence level for an expected occurrence of 1%; however, unlike Assessment Monitoring, the stratified design is not population-weighted. EPA has used Screening Survey monitoring for 36 contaminants over the course of UCMR 1 through UCMR 4. A Screening Survey tier is not proposed for UCMR 5 because Assessment Monitoring for the 30 proposed contaminants has been deemed practical and would allow EPA to collect a more robust set of occurrence data than provided for under a Screening Survey approach.

A Pre-Screen Testing tier for ''List 3'' contaminants can be customized to meet the specific monitoring objectives for a specific group of PWSs. EPA used Pre-Screen Testing to collect data for two viruses under UCMR 3. That monitoring relied on specialized analytical methods and sampling techniques, and focused on 800 small, undisinfected groundwater systems in vulnerable areas. A Pre-Screen Testing tier is not proposed for UCMR 5.

B. How are the CCL, the UCMR program, the Regulatory Determination process, and the NCOD interrelated?

Under the 1996 amendments to the SDWA, Congress established a multi-step, risk-based approach for determining which contaminants would become subject to drinking water standards. Under the first step, EPA is required to publish a CCL every five years that identifies contaminants that are not subject to any proposed or promulgated drinking water regulations, are known or anticipated to occur in PWSs, and may require future regulation under the SDWA. Under the second step, EPA must require, every five years, monitoring of unregulated contaminants to determine their occurrence in drinking water systems; this is the UCMR program. Under the third step, EPA is required to determine, every five years, whether or not to regulate at least five contaminants from the CCL. Under § 1412(b)(1)(A) of the SDWA, EPA regulates a contaminant in drinking water if the Administrator determines that:

(1) The contaminant may have an adverse effect on the health of persons;

(2) the contaminant is known to occur or there is substantial likelihood that the contaminant will occur in PWSs with a frequency and at levels of public health concern; and

(3) in the sole judgment of the Administrator, regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by PWSs.

For the contaminants that meet all of the three criteria, the SDWA requires EPA to publish national primary drinking water regulations (NPDWRs). Information on the CCL and the regulatory determination process can be found at: *https://www.epa.gov/ccl.*

The data collected through the UCMR program are made available to the public through the National Contaminant Occurrence Database

(NCOD) for drinking water. EPA developed the NCOD to satisfy statutory requirements in the 1996 Amendments to the SDWA to assemble, and maintain a drinking water contaminant occurrence database for both regulated and unregulated contaminants in water systems. NCOD houses data on unregulated contaminant occurrence; data from EPA's ''Six Year Review'' of national drinking water regulations; and ambient and/or source water data. Section 1445(g)(3) of the SDWA requires that EPA maintain UCMR data in the NCOD, and use the data when evaluating the frequency and level of occurrence of contaminants in drinking water at a level of public health concern. The UCMR results can be viewed by the public via NCOD (*https://www.epa.gov/sdwa/national-contaminant-occurrence-database-ncod*) or via the UCMR web page at: *https://www.epa.gov/dwucmr.*

C. What are the Consumer Confidence Reporting and Public Notice Reporting requirements for public water systems that are subject to UCMR?

In addition to reporting UCMR monitoring data to EPA, PWSs are responsible for presenting and addressing UCMR results in their annual Consumer Confidence Reports (CCRs) (40 CFR 141.153), and must address Public Notice (PN) requirements associated with UCMR (40 CFR 141.207). Today's notice does not propose changes to these reporting requirements. More details about the CCR and PN requirements can be viewed by the public at: *https://www.epa.gov/ccr* and *https://www.epa.gov/dwreginfo/public-notification-rule,* respectively.

D. What notable changes are being proposed for UCMR 5?

This action proposes to revise the existing UCMR to address recent changes in the SDWA, and to reflect lessons learned through prior experience implementing the UCMR. These additional proposed changes include: Requiring water systems serving 3,300 or more persons to monitor per the AWIA requirements; updating the list of the UCMR 5 contaminants, analytical methods, monitoring time frame, and sampling locations; revising the data elements required in addition to the occurrence data (outlined in Exhibit 2 below); revising data reporting timeframes; and effecting conforming and editorial changes, such as those necessary to remove requirements solely related to UCMR 4. A track-changes version of the rule language, comparing UCMR 4 to the proposed changes for UCMR 5, (''Proposed Revisions to CFR parts 141.35 and 141.40'' (USEPA, 2020c)), is included in the public docket (Docket ID No. EPA–HQ–OW–2020–0530) for this proposed rule. EPA's proposed approach and rationale for changes are described in the following sections.

EXHIBIT 2—NOTABLE CHANGES PROPOSED FOR UCMR 5

CFR rule section			Description of proposed change	Corresponding preamble section
Number	Title/description	Current (UCMR 4) requirement		
§ 141.35(d), § 141.40(a)(2)(ii), and § 141.40(a)(4)(ii).	Scope of UCMR 5 applicability.	UCMR 4 included all CWSs and NTNCWSs that serve more than 10,000 people, and a representative set of 800 systems serving 10,000 or fewer people.	Proposes revisions to the scope of UCMR 5 to address all CWSs and NTNCWSs serving 3,300 or more people and a representative set of systems serving fewer than 3,300 people (consistent with AWIA).	I.A.
§ 141.40(a)(3)	Related specifications for the analytes to be monitored, including sampling timeframe.	UCMR 4 specified 30 contaminants (cyanotoxins, metals, pesticides, brominated haloacetic acid groups, alcohols, and semivolatile chemicals) and sample collection from January 2018 through December 2020.	Proposes a new list of 29 PFAS and lithium as contaminants for monitoring; identifies associated analytical methods, MRLs, and sampling locations; and proposes to revise the sample collection dates to January 2023 through December 2025.	III.E + III.I.
§ 141.40(a)	Applicability date	UCMR 4 specified December 31, 2015, as the basis for determining which systems were subject to monitoring.	Proposes to revise the date used to determine which systems are subject to monitoring to February 1, 2021.	III.H.
§ 141.35(c)(3)	Ground Water Representative Monitoring Plans (GWRMPs).	UCMR 4 specified ''within 120 from publication of the final rule (April 19, 2017)'' as the deadline to submit a GWRMP.	Proposes flexibility to the deadline for PWSs to submit a GWRMP proposal to EPA.	III.I.
§ 141.35(c)(6)(ii) and § 141.40(a)(5)(vi).	Reporting timeframe ...	UCMR 4 specified that laboratories must approve analytical results in EPA's electronic data reporting system within 120 days from the sample collection date and specified that PWS had 60 days (from when the laboratory posted the data to EPA's electronic data reporting system) to review, approve, and submit their data to the state and EPA.	Proposes to revise the timeframe for laboratories to post and approve analytical results in EPA's electronic data reporting system (for review by the PWS) to ''within 90 days from the sample collection date.''. Proposes to revise the timeframe for PWSs to review, approve, and submit data to the state and EPA to no more than ''30 days from when the laboratory posts the data to EPA's electronic data reporting system''.	III.I.
§ 141.35(e)	Reporting requirements—Data elements.	UCMR 4 specified data elements applicable to the contaminants included in that cycle.	Proposes changes to the data elements to be reported to EPA based on the contaminants proposed for monitoring.	III.J.
§ 141.40(a)(5)(ii)	Laboratory approval application timeframe.	UCMR 4 specified that laboratories interested in supporting monitoring must initially apply within 120 days of publication of the final rule. April 19, 2017 was specified as the date by which all registration and application materials must be completed and returned to *UCMR_Sampling_Coordinator@epa.gov*.	Proposes a more flexible timeframe for laboratories to apply to support UCMR 5 monitoring. Proposes that registration and application materials are to be submitted to EPA ''by August 1, 2022.'' Additonally, revises the email correspondence to be *UCMR_Lab_Approval@epa.gov*.	III.L.

E. How did EPA prioritize candidate contaminants and what contaminants are proposed for UCMR 5?

In establishing the proposed list of contaminants for UCMR 5, EPA evaluated unregulated contaminants in accordance with the statutory authorities described in section I.A of this document. In accordance with these requirements, EPA's commitments under the PFAS Action Plan (USEPA, 2019a), and the process described in this document, EPA is proposing monitoring for the unregulated contaminants listed in Exhibit 3 using the specified methods.

EXHIBIT 3—PROPOSED UCMR 5 ANALYTES

List 1 Analytes	
Twenty-five Per- and Polyfluoroalkyl Substances (PFAS) using EPA Method 533 (SPE LC/MS/MS): [1]	
11-chloroeicosafluoro-3-oxaundecane-1-sulfonic acid (11Cl-PF3OUdS)	perfluorodecanoic acid (PFDA).
1H, 1H, 2H, 2H-perfluorodecane sulfonic acid (8:2 FTS)	perfluorododecanoic acid (PFDoA).
1H, 1H, 2H, 2H-perfluorohexane sulfonic acid (4:2 FTS)	perfluoroheptanesulfonic acid (PFHpS).
1H, 1H, 2H, 2H-perfluorooctane sulfonic acid (6:2 FTS)	perfluoroheptanoic acid (PFHpA).
4,8-dioxa-3H-perfluorononanoic acid (ADONA)	perfluorohexanesulfonic acid (PFHxS).
9-chlorohexadecafluoro-3-oxanone-1-sulfonic acid (9Cl-PF3ONS)	perfluorohexanoic acid (PFHxA).
hexafluoropropylene oxide dimer acid (HFPO–DA) (GenX)	perfluorononanoic acid (PFNA).
nonafluoro-3,6-dioxaheptanoic acid (NFDHA)	perfluorooctanesulfonic acid (PFOS).
perfluoro (2-ethoxyethane) sulfonic acid (PFEESA)	perfluorooctanoic acid (PFOA).
perfluoro-3-methoxypropanoic acid (PFMPA)	perfluoropentanesulfonic acid (PFPeS).
perfluoro-4-methoxybutanoic acid (PFMBA)	perfluoropentanoic acid (PFPeA).
perfluorobutanesulfonic acid (PFBS)	perfluoroundecanoic acid (PFUnA).
perfluorobutanoic acid (PFBA).	
Four Per- and Polyfluoroalkyl Substances (PFAS) using EPA Method 537.1 (SPE LC/MS/MS): [2]	
n-ethyl perfluorooctanesulfonamidoacetic acid (NEtFOSAA)	perfluorotetradecanoic acid (PFTA).
n-methyl perfluorooctanesulfonamidoacetic acid (NMeFOSAA)	perfluorotridecanoic acid (PFTrDA).
One Metal/Pharmaceutical using EPA Method 200.7 (ICP–AES) [3] **or alternate SM** [4] **or ASTM:** [5]	
lithium.	

[1] EPA Method 533 (Solid phase extraction (SPE) liquid chromatography/tandem mass spectrometry (LC/MS/MS)) (USEPA, 2019c).
[2] EPA Method 537.1 Version 2.0 (Solid phase extraction (SPE) liquid chromatography/tandem mass spectrometry (LC/MS/MS)) (USEPA, 2020d).
[3] EPA Method 200.7 (Inductively coupled plasma-atomic emission spectrometry (ICP–AES)) (USEPA, 1994).
[4] Standard Methods (SM) 3120 B (SM, 2017) or SM 3120 B–99 (SM Online, 1999).
[5] ASTM International (ASTM) D1976–20 (ASTM, 2020).

EPA considered the current (fourth) Contaminant Candidate List (CCL 4), which includes 97 chemicals or chemical groups and 12 microbes (81 FR 81099, November 17, 2016 (USEPA, 2016b)). EPA also evaluated contaminants nominated by the public for potential inclusion on the next (fifth) CCL (CCL 5) (83 FR 50364, October 5, 2018 (USEPA, 2018b)) and considered other priority contaminants, including those highlighted in the PFAS Action Plan (USEPA, 2019a). Further, EPA considered the opportunity to collect occurrence data for non-CCL contaminants using the proposed methods for CCL contaminants that would result in little-to-no additional expense (*i.e.,* concurrent with the collection of data for CCL contaminants). EPA's proposed approach addresses the PFAS requirement in NDAA (Pub. L. 116–92) by including all 29 PFAS that are within the scope of EPA Methods 533, published December 2019 (USEPA, 2019c), and 537.1, initially published November 2018 and updated via version 2.0 in March 2020 (USEPA, 2020d).

EPA evaluated candidate UCMR 5 contaminants using a multi-step prioritization process. The first step included identifying contaminants that: (1) Were not monitored under prior UCMR cycles; (2) may occur in drinking water; and (3) are expected to have a completed, validated drinking water method in time for rule proposal.

The next step was to consider the following: Availability of health assessments or other health-effects information (*e.g.,* critical health endpoints suggesting carcinogenicity); public interest (*e.g.,* PFAS); active use (*e.g.,* pesticides that are registered for use); and availability of occurrence data.

During the final step, EPA considered stakeholder input; looked at cost-effectiveness of the potential monitoring approaches; considered implementation factors (*e.g.,* laboratory capacity); and further evaluated health effects, occurrence, and persistence/mobility data to identify the proposed list of UCMR 5 contaminants.

Contaminant-specific information (*e.g.,* source, use, production, release, persistence, mobility, health effects, and occurrence) that EPA used to evaluate candidate contaminants, is contained in ''Information Compendium for Candidate Contaminants for the Proposed Unregulated Contaminant Monitoring Rule (UCMR 5)'' (USEPA, 2020e). The Information Compendium can be found in EPA public docket for this proposed rule, under Docket ID No. EPA–HQ–OW–2020–0530. EPA invites comment on the proposed UCMR 5 contaminants (and their associated analytical methods) identified in Exhibit 3.

F. What other contaminants did EPA consider?

This notice describes the 30 contaminants that EPA has identified as the highest priorities for UCMR 5 monitoring through the process described in the preceding section. This process prioritizes the unregulated contaminants for which nationally representative data on the frequency

and level of occurrence are useful. EPA believes that the primary utility of the UCMR data is for the Agency's regulatory evaluation. The SDWA requires that the data collected under the UCMR be used to develop the CCL (see § 1412(b)(1)(B)(i)(I)) and to make regulatory determinations for CCL contaminants (see § 1412(b)(1)(B)(ii)(II)). EPA believes that the UCMR can be useful to States, water systems, and to water system consumers but that is not the primary purpose of the data collection.

In developing a UCMR rule EPA also considers the burden that UCMR places upon water systems to perform monitoring and, in accordance with SDWA § 1445(j)(1) and 1445(j)(3), the new expenses of small system monitoring and the laboratory capacity to support the analysis of UCMR samples. EPA is proposing a rule that reflects a consideration of the burden on water systems, the new expenses associated with implementing the rule, and the utility of the information to be collected. Although the NDAA allows the Agency to require monitoring for more contaminants beyond those proposed, EPA believes that the utility of the additional data that would be collected does not warrant their inclusion. As described in the following sections, data collection for *Legionella pneumophila* and four haloacetonitriles (dichloroacetonitrile, dibromoacetonitrile, trichloroacetonitrile, and bromochloroacetonitrile) would not be useful to EPA's regulatory deliberations.

Also, due to limitations of analytical methodologies, data collection for 1,2,3-trichloropropane and total organic fluorine (TOF) would not be useful.

The information that EPA considered when evaluating contaminants may be found in the Information Compendium (USEPA, 2020e).

EPA invites comment on these contaminants and any other priority contaminants commenters wish to recommend. In your comments, please identify the following: Any new contaminant(s) that you believe EPA should include in the UCMR 5 monitoring; any contaminant(s) in Exhibit 3 that you believe should be removed from the list; the recommended analytical method(s) for any new contaminant(s) that you propose; and other relevant details (*e.g.,* reporting level, sampling location, sampling frequency, analytical cost). Comments that provide supporting data or rationale are especially helpful to EPA.

1. Legionella pneumophila

Legionella pneumophila is recognized as an important biofilm-related opportunistic pathogen associated with waterborne disease. It is a naturally occurring pathogen, widely found in the environment. *Legionella pneumophila* may enter drinking water distribution systems and proliferate under certain conditions (USEPA, 2001). Under EPA's Surface Water Treatment Rule (SWTR), EPA established NPDWRs for Giardia, viruses, *Legionella,* turbidity and heterotrophic bacteria and set maximum contaminant limit goals of zero for *Giardia lamblia,* viruses and *Legionella* (54 FR 27486, June 29, 1989 (USEPA, 1989)). EPA is currently examining opportunities to enhance protection against *Legionella pneumophila* through potential revisions to the suite of Microbial and Disinfection Byproduct (MDBP) rules, which includes the SWTR. As stated in the conclusions from EPA's third ''Six-Year Review of Drinking Water Standards'' (82 FR 3518, January 11, 2017 (USEPA, 2017)), ''EPA identified the following NPDWRs under the SWTR as candidates for revision under the Six-Year Review 3, because of the opportunity to further reduce residual risk from pathogens (including opportunistic pathogens such as *Legionella)* beyond the risk addressed by the current SWTR.'' In accordance with the dates in the Settlement Agreement between EPA and Waterkeeper Alliance (*Waterkeeper Alliance, Inc.* v. *U.S. EPA,* No. 1:19–cv–00899–LJL (S.D.N.Y. Jun. 1, 2020)), the Agency anticipates signing a proposal for revisions to the MDBP rules and a final action on the proposal by July 31, 2024 and September 30, 2027, respectively. Accordingly, EPA has concerns about the utility of a UCMR 5 data set on *Legionella pneumophila* based on the timeframe for the Agency deliberations about the MDBP revisions. The UCMR 5 data collection would not be complete in time to inform regulatory revision and would not reflect conditions in water systems after any regulatory revisions become effective.

The Six-Year Review 3 conclusion and Settlement Agreement state EPA's approach to investigating public health risks potentially associated with *Legionella.* Inclusion of *Legionella pneumophila* in UCMR 5 would add significant monitoring and reporting complexity, and cost. If *Legionella pneumophila* were to be added to UCMR 5, most of the additional cost would be borne by large PWSs (for analysis of their samples) and EPA (for analysis of samples from small PWSs). In such case, sample collection would likely be at the distribution-system sampling locations described in the Disinfectants and Disinfection Byproducts Rule (D/DBPR) (40 CFR 141.622). Because *Legionella pneumophila* is regulated via ''treatment technique'' and EPA does not require that it be measured, the Agency has not evaluated or validated analytical methods for its measurement. EPA is aware that there are a number of potential techniques for measuring *Legionella pneumophila,* including the commercially-available Legiolert™ test (IDEXX Laboratories, Inc., 2020). EPA estimates that this additional monitoring would result in $11 million in new expenses for large PWSs, $20 million in new expenses for the Agency for small system monitoring, and $0.5 million in new expenses for small PWSs and states over the 5-year UCMR period. EPA believes this is a significant burden for data that would not be available in time to inform regulatory revision and that would not reflect conditions in water systems after any regulatory revisions become effective. EPA invites comments on whether *Legionella pneumophila* should be included in UCMR 5.

2. Haloacetonitriles

The four haloacetonitriles represent a group of unregulated disinfection byproducts (DBPs). They were detected relatively frequently in monitoring under the DBP Information Collection Rule (1997–1998), available via *https://www.epa.gov/dwsixyearreview/supplemental-data-six-year-review-3,* and are generally considered more cytotoxic and genotoxic than the regulated DBPs. EPA Method 551.1 is an existing validated method approved for measuring regulated total trihalomethanes in drinking water (USEPA, 1995); it is also capable of measuring unregulated haloacetonitriles. Similar to the situation with *Legionella pneumophila,* EPA is examining opportunities to enhance protection against DBPs, including these haloacetonitriles through potential revisions to the MDBP rules; see previous paragraph regarding the anticipated timeframe for those revisions and note the concern about timing relative to UCMR 5 data collection. As with *Legionella pneumophila,* inclusion of haloacetonitriles in UCMR 5 would introduce significant monitoring and reporting complexity and cost compared to the sampling design for PFAS and lithium. If haloacetonitriles were to be added to UCMR 5, most of the additional expenses would be borne by large PWSs (for analysis of their

samples) and EPA (for analysis of samples from small PWSs). In such case, sample collection would likely be at the distribution-system sampling locations described in the Disinfectants and Disinfection Byproducts Rule (D/DBPR) (40 CFR 141.622). EPA estimates this would result in $16 million in new expenses for large PWSs, $20 million in new expenses for the Agency, and $0.5 million in new expenses for small PWSs and states over the 5-year UCMR period. EPA invites comments on whether haloacetonitriles should be included in UCMR 5.

3. 1,2,3-trichloropropane

1,2,3-trichloropropane is a man-made chemical used as an industrial solvent, cleaning and degreasing agent, and synthesis intermediate. 1,2,3-trichloropropane occurrence data collected during UCMR 3 (USEPA, 2012) may be found at *https://www.epa.gov/dwucmr/occurrence-data-unregulated-contaminant-monitoring-rule#3.* EPA's March 2020 ''Announcement of Preliminary Regulatory Determinations for Contaminants on the Fourth Drinking Water Contaminant Candidate List'' (available via *https://www.epa.gov/ccl/regulatory-determination-4*) concluded that the Agency needs additional lower-level occurrence information prior to making a preliminary regulatory determination for 1,2,3-trichloropropane. EPA is not proposing 1,2,3-trichloropropane monitoring in UCMR 5 because the Agency concludes that available analytical methods would not support the collection of data at concentrations lower than the levels monitored during UCMR 3 (USEPA, 2019d). At 0.03 µg/L, the minimum reporting level (MRL) established in UCMR 3 is higher than the EPA health reference level (HRL) associated with a cancer risk level of one cancer case per million people (0.0004 µg/L (0.4 ng/L) (USEPA, 2019d), but lower than the cancer risk level associated with one cancer case per 10,000 people (0.04 µg/L)). EPA invites comment on any aspects of 1,2,3-trichloropropane as a candidate for UCMR 5, particularly comments on additional methods that may support national monitoring at quantitation levels lower than 0.0004 µg/L.

4. Total Organic Fluorine (TOF)

There are a number of analytical techniques that have been applied to measuring organic fluorine in environmental matrices and drinking water, and some have proposed trying to correlate PFAS, in aggregate, with measurements of total organic fluorine. TOF, by combustion ion chromatography, relies on extracting fluorine-containing compounds from water, defluorinating, and capturing the resulting hydrogen flouride gas in solution for analysis. While there is high interest in TOF (and other techniques that might capture a broader suite of PFAS), the measurement approach is subject to significant technical challenges, and a robust method that would support national monitoring is unlikely to be ready in time to support UCMR 5 rulemaking. Further, TOF methods for drinking water may not be sensitive or specific enough to support decision making; TOF is not specific to PFAS, and any fluorine-containing compounds (*e.g.,* pesticides, pharmaceuticals) that are retained during extraction would be included in the organic fluorine measurement. EPA cannot reliably estimate the cost to measure TOF under UCMR because TOF methods have little commercial laboratory availability at this time.

G. What are the costs of alternatives to the proposed UCMR 5?

As described in the preceding sections, EPA considered alternatives to the proposed UCMR 5. One alternative EPA considered recognizes that the Agency cost to support the expanded small-PWS monitoring scope defined in the AWIA may exceed available resources. Specifically, the AWIA provisions would increase the number of PWS samples for which EPA would perform analysis by 8-fold. Exhibit 4 presents the cost over 5 years for the proposed-rule baseline and presents the alternative cost if EPA were to promulgate a final UCMR 5 that reverts to the traditional UCMR approach to small system monitoring (*i.e.,* includes 800 systems serving 10,000 or fewer people).

EXHIBIT 4—ESTIMATED 5-YEAR (2022–2026) COST ($ MILLION) OF THE PROPOSED UCMR AND AN ALTERNATIVE WITH REDUCED SMALL SYSTEM MONITORING [1]

Action	Total cost to large PWSs	Total cost to EPA [2]	Total cost to small PWSs and states	Total program cost (sum of costs for large and small PWSs, EPA, and states)
UCMR 5 proposed-rule baseline (presumes funds are available to support AWIA-based scope and that 29 PFAS and lithium are monitored)	$47.8	$52.7	$5.5	$105.9
Alternative UCMR 5 which would include only include 800 systems serving 10,000 or fewer people (presumes that 29 PFAS and lithium are monitored)	47.8	14.7	3.4	65.9
Difference between proposed-rule baseline and alternative	0	38.0	2.1	40.0

[1] Totals may not equal the sum of components due to rounding.
[2] Accounts for cost of analyses for samples from small PWSs and other implementation expenses.

Exhibit 5 presents the costs over 5 years for the UCMR 5 proposed-rule baseline and alternatives, in which EPA would add monitoring for *Legionella pneumophila* and/or haloacetonitriles to the proposed UCMR 5 analytes (29 PFAS and lithium).

EXHIBIT 5—ESTIMATED 5-YEAR (2022–2026) COST ($ MILLION) OF THE PROPOSED UCMR AND ALTERNATIVES THAT ADD MONITORING FOR *Legionella pneumophila* AND/OR HALOACETONITRILES

[Differences between the baseline and alternatives [$ million] are noted parenthetically] [1]

Action	Total cost to large PWSs	Total cost to EPA [2]	Total cost to small PWSs and states	Total program cost (sum of costs for large and small PWSs, EPA, and states)
UCMR 5 proposed-rule baseline (presumes funds are available to support AWIA-based scope and that 29 PFAS and lithium are monitored)	$47.8	$52.7	$5.5	$105.9
Require monitoring for *Legionella pneumophila* (in addition to 29 PFAS and lithium)	58.7 (+11.0)	72.9 (+20.2)	6.0 (+0.5)	137.6 (+31.7)
Require monitoring for haloacetonitriles (in addition to 29 PFAS and lithium)	63.6 (+15.8)	72.7 (+20.0)	6.0 (+0.5)	142.2 (+36.3)
Require monitoring for *Legionella pneumophila* and haloacetonitriles (in addition to 29 PFAS and lithium)	73.3 (+25.6)	92.9 (+40.2)	6.0 (+0.5)	172.2 (+66.3)

[1] Totals may not equal the sum of components due to rounding.
[2] Accounts for cost of analyses for samples from small PWSs and other implementation expenses.

Exhibit 6 presents the costs over 5 years for the UCMR 5 ''pre-AWIA'' alternative baseline proposed-rule baseline (*i.e.,* in which the Agency would include 800 nationally-representative water systems serving fewer than or equal to 10,000), and associated scenarios in which EPA would add monitoring for *Legionella pneumophila* and/or haloacetonitriles to the proposed UCMR 5 analytes (29 PFAS and lithium).

EXHIBIT 6—ESTIMATED 5-YEAR (2022–2026) COST ($ MILLION) OF A UCMR 5 ''PRE-AWIA'' ALTERNATIVE BASELINE, AND ASSOCIATED SCENARIOS THAT ADD MONITORING FOR *Legionella pneumophila* AND/OR HALOACETONITRILES

[Differences between the baseline and alternatives [$ million] are noted parenthetically] [1]

Action	Total cost to large PWSs	Total cost to EPA [2]	Total cost to small PWSs and states	Total program cost (sum of costs for large and small PWSs, EPA, and states)
UCMR 5 ''pre-AWIA'' alternative baseline (presumes that monitoring includes 800 PWSs serving ≤10,000 and that 29 PFAS and lithium are monitored)	$47.8	$14.7	$3.4	$65.8
Require monitoring for *Legionella pneumophila* (in addition to 29 PFAS and lithium)	58.7 (+11.0)	18.4 (+3.7)	3.4 (+0.04)	80.5 (+14.7)
Require monitoring for haloacetonitriles (in addition to 29 PFAS and lithium)	63.6 (+15.8)	16.2 (+1.5)	3.4 (+0.04)	83.2 (+17.4)
Require monitoring for *Legionella pneumophila* and haloacetonitriles (in addition to 29 PFAS and lithium)	73.3 (+25.6)	19.2 (+4.5)	3.4 (+0.04)	96.0 (+30.2)

[1] Totals may not equal the sum of components due to rounding.
[2] Accounts for cost of analyses for samples from small PWSs and other implementation expenses.

H. What is the proposed applicability date?

The applicability date represents an internal milestone used by EPA to determine if a PWS is included in the UCMR program, and if it is a small or large PWS. It does not represent a date by which respondents need to take any action. In § 141.40(a), EPA proposes February 1, 2021 as the new applicability date to determine which PWSs are subject to UCMR 5. That is, the determination of whether a PWS is required to monitor under UCMR 5 is based on the type of system (*e.g.,* CWS, NTNCWS, etc.) and its retail population served, as indicated by the Safe Drinking Water Information System Federal Reporting Services (SDWIS/Fed) inventory on February 1, 2021. A determination of applicability on February 1, 2021 allows time for EPA to share the tentative list of PWSs with the states for their review, and to load PWS information into EPA's reporting system so that PWSs can be notified promptly once the final rule is published. If a PWS receives such notification and believes its retail population served in SDWIS/Fed is inaccurate (resulting in the PWS being erroneously included in UCMR 5), the system should contact their state authority to verify its population as of the applicability date and request a correction, if necessary. The applicability date for a given UCMR cycle is routinely established near the publication of the UCMR proposal. EPA believes that a later applicability date would be impractical given the planning that needs to occur prior to sample collection.

I. What are the proposed UCMR 5 sampling design and timeline of activities?

The proposed rule identifies sampling and analysis for UCMR 5 contaminants within the sampling period of 2023 to 2025 based on the Assessment Monitoring framework because, as described in section I.B of this document, EPA anticipates that there will be appropriate laboratory capacity.

Preparations prior to 2023 are expected to include coordinating laboratory approval, selecting representative small systems, organizing Partnership Agreements, developing State Monitoring Plans (see III.N of this document), establishing monitoring schedules and inventory, and conducting outreach and training. Exhibit 7 illustrates the major activities that EPA expects will take place in preparation for, and during the implementation of the UCMR 5.

Exhibit 7: Proposed Timeline of UCMR 5 Activities

2022	2023	2024	2025	2026
Pre-sampling Activity by EPA • Manage Lab Approval Program • Organize Partnership Agreements and State Monitoring Plans • Begin PWS SDWARS registration/inventory • Review GWRMP submittals • Conduct outreach/trainings	← **Sampling Period** → **EPA Implementation Activities** • Provide compliance assistance • Implement small system monitoring • Post data quarterly to NCOD **PWS Sample Collection; Laboratory Analysis; Reporting** • All large systems serving more than 10,000 people • All small systems serving between 3,300 and 10,000 people • 800 small systems serving fewer than 3,300 people			**Post-sampling Activity** **PWSs, Laboratories** • Complete resampling, as needed • Conclude data reporting **EPA** • Complete upload of UCMR 5 data to NCOD

To minimize the impact of the rule on small systems (those serving 10,000 or fewer people), EPA pays for their sample kit preparation, sample shipping fees, and sample analysis.

As noted in section I.B of this document, the AWIA mandates the expanded UCMR monitoring ''*subject to the availability of appropriations for such purpose,*'' recognizing the greater EPA burden created by the AWIA (as EPA funds testing and laboratory analysis for small systems under the UCMR). If EPA concludes that it will not have the resources necessary to support the expanded monitoring described by the AWIA, the Agency will not promulgate a final rule that requires all water systems serving between 3,300 and 10,000 persons to monitor. Rather, EPA will use the approach from prior to the enactment of AWIA, and include 800 nationally-representative water systems serving fewer than or equal to 10,000 in the UCMR program.

Large systems (those serving more than 10,000 people) pay for all costs associated with their monitoring. Exhibit 8 shows a summary of the estimated number of PWSs subject to monitoring.

EXHIBIT 8—SYSTEMS TO PARTICIPATE IN UCMR 5 MONITORING

System size (number of people served)	National Sample: Assessment monitoring design	Total number of systems per size category
	List 1 Chemicals	
Small Systems[1] (25—3,299)	800 randomly selected systems (CWSs and NTNCWSs)	800
Small Systems[2] (3,300—10,000)	All systems (CWSs and NTNCWSs)	5,147
Large Systems[3] (10,001 and over)	All systems (CWSs and NTNCWSs)	4,364
Total		10,311

[1] EPA pays for all analytical costs associated with monitoring at small systems.
[2] Small system counts are approximate. EPA pays for all analytical costs associated with monitoring at small systems.
[3] Large system counts are approximate.

1. Sampling Frequency, Timing

On a per-system basis, the anticipated number of samples collected by each system is consistent with sample collection during prior UCMR cycles (although, as described elsewhere, the number of water systems subject to UCMR would be significantly greater under this proposal). Water systems would be required to collect samples based on the typical UCMR sampling frequency and time frame as follows: For surface water, ground water under the direct influence of surface water,

and mixed locations, sampling would take place for four consecutive quarters over the course of 12 months (total of 4 sampling events). Sampling events would occur 3 months apart. For example, if the first sample is taken in January, the second would then occur anytime in April, the third would occur anytime in July, and the fourth would occur anytime in October. For ground water locations, sampling would take place twice over the course of 12 months (total of 2 sampling events). Sampling events would occur five to seven months apart. For example, if the first sample is taken in April, the second sample would then occur anytime in September, October, or November.

EPA expects to consult with the states and initially determine schedules (year and months of monitoring) for large water systems. Thereafter, these PWSs would have an opportunity to modify this initial schedule for planning purposes or other reasons (*e.g.,* to spread costs over multiple years, a sampling location will be closed during the scheduled month of monitoring, etc.). EPA proposes to schedule and coordinate small system monitoring by working closely with states. State Monitoring Plans provide an opportunity for states to review and revise the initial sampling schedules that EPA proposes (see discussion of State Monitoring Plans in section III.N of this document).

2. Sampling Locations and Ground Water Representative Monitoring Plans

Consistent with past UCMR cycles, sample collection for the UCMR 5 contaminants would take place at the entry point to the distribution system (EPTDS). As during past UCMRs and as described in § 141.35(c)(3), the proposed rule would allow large ground water systems (or large surface water systems with ground water sources) that have multiple ground water EPTDSs to request approval to sample at representative monitoring locations rather than at each ground water EPTDS. GWRMPs approved under prior UCMRs may be used for UCMR 5, presuming no significant changes in the configuration of the ground water EPTDSs since the prior approval. Water systems that intend to use a previously approved plan must send EPA a copy of the approval documents received under prior UCMRs from their state (if reviewed by the state) or EPA.

Relative to the rules for prior UCMR cycles, this proposal provides greater flexibility to PWSs in submitting GWRMPs to EPA. As proposed, plans must be submitted to EPA six months prior to the PWS's scheduled sample collection, instead of by a specified date; those scheduled to collect samples in 2024 or 2025 would have significant additional time to develop and propose representative plans. PWSs, particularly those scheduled for sample collection in 2023, are encouraged to submit proposals for new GWRMP by December 31, 2022, to allow time for review by EPA and, as appropriate, the state. EPA will work closely with the states to coordinate the review of GWRMPs in those cases where such review is part of the state's Partnership Agreement. Changes to inventory data in the Safe Drinking Water Accession and Review System (SDWARS) that impact a PWS's representative plan before or during the UCMR sampling period must be reported within 30 days of the change. EPA will collaborate with small systems (particularly those with many ground water locations) to develop a GWRMP when warranted, recognizing that EPA pays for the analysis of samples from small systems.

3. Reporting Times

This action proposes changes in the timeframes for laboratories to post and approve analytical results in SDWARS, and for PWSs to then review and approve the posted results in SDWARS. EPA recognizes that multiple states have expressed an interest in earlier access to UCMR data (see Docket ID No. EPA–HQ–OW–2020–0530) and believes that shorter timeframes for posting and approving data are feasible based on our experience with UCMR reporting to-date. EPA has observed that many laboratories are routinely posting data to SDWARS within 90 days of sample collection. EPA has also observed that many large PWSs are approving and submitting data within 30 days of their laboratory posting the data. Accordingly, EPA proposes that laboratories be given 90 days (versus the current 120 days) from the sample collection date to post and approve analytical results in SDWARS for PWS review. EPA proposes that large PWSs be given 30 days (versus the current 60 days) to review and approve the analytical results posted to SDWARS. As with the current UCMR requirements, data would be considered approved and available for state and EPA review if the PWS takes no action within their allotted review period. EPA welcomes comments on these proposed changes to the reporting requirements and invites input on other changes that could address the interest in earlier access to data.

J. What are the reporting requirements for the UCMR 5?

EPA proposes changes to the reporting requirements currently established for UCMR 4, as detailed in Table 1 of § 141.35(e), to account for the UCMR 5 contaminants and the monitoring approach being proposed. These changes include removing data elements related to the specific contaminants from the previous UCMR, and adding and updating data elements based on the proposed list of contaminants to be monitored. EPA is proposing certain data element changes, based on experience from the previous UCMR, that are intended to improve data reporting from laboratories and water systems. Recognizing that data elements are specifically tailored to the requirements of each monitoring cycle, EPA invites comment on the appropriateness of the proposed UCMR 5 data elements relative to the proposed UCMR 5 contaminants, analytical methods and reporting requirements. EPA welcomes comments on the proposed data elements and associated definitions, as well as any others that may provide useful ancillary data to support an assessment of the occurrence information.

K. What are Minimum Reporting Levels (MRLs) and how were they determined?

EPA establishes MRLs for contaminants under the UCMR to ensure consistency in the quality of the information reported to the Agency. As defined in§ 141.40(a)(5)(iii), the MRL is the minimum quantitation level that, with 95% confidence, can be achieved by capable analysts at 75% or more of the laboratories using a specified analytical method. More detailed explanation of the MRL calculation is in the ''Technical Basis for the Lowest Concentration Minimum Reporting Level (LCMRL) Calculator'' (USEPA, 2010), available on the internet at (*https://www.epa.gov/dwanalyticalmethods/lowest-concentration-minimum-reporting-level-lcmrl-calculator*).

EPA requires each laboratory interested in supporting UCMR analyses to demonstrate that they can reliably make quality measurements at or below the established MRL to ensure that high quality results are being reported by participating laboratories. EPA established the proposed MRLs in § 141.40(a)(3), Table 1, for each analyte/method by obtaining data from at least three laboratories that performed ''lowest concentration minimum reporting level'' (LCMRL) studies. The results from these laboratory LCMRL

studies can be found in the ''UCMR 5 Laboratory Approval Manual'' (USEPA, 2020f).

The LCMRL is the lowest concentration of a contaminant that can be quantified with the precision and accuracy specified in ''Technical Basis for the Lowest Concentration Minimum Reporting Level (LCMRL) Calculator'' (USEPA, 2010), available on the internet at (*https://www.epa.gov/dwanalyticalmethods/lowest-concentration-minimum-reporting-level-lcmrl-calculator*). The multiple laboratory LCMRLs were then processed through a statistical routine to derive an MRL that, with 95% confidence, is predicted to be attainable by 75% of laboratories using the prescribed method. EPA considers these to be the lowest reporting levels that can practically and consistently be achieved on a national basis (recognizing that individual laboratories may be able to measure at lower levels). EPA invites comments on the proposed MRLs, and will consider changing the proposed MRLs if the Agency obtains scientific information demonstrating that a different MRL is attainable and practical.

L. How do laboratories become approved to conduct the UCMR 5 analyses?

Consistent with prior UCMRs, this proposed action maintains the requirement that PWS use laboratories approved by EPA to analyze UCMR 5 samples. Interested laboratories are encouraged to apply for EPA approval as early as possible, beginning with the publication of this proposal. The UCMR 5 laboratory approval process is designed to assess whether laboratories possess the required equipment and can meet laboratory-performance and data-reporting criteria described in this action.

EPA expects demand for laboratory support to increase significantly based on the greater number of water systems proposed for UCMR 5. EPA estimates that the number of participating small water systems will increase from the typical 800 to approximately 6,000 (see Exhibit 8 in section III.I of this document). In preparation for this increased participation, EPA anticipates soliciting proposals and awarding contracts to laboratories to support small system monitoring prior to the end of the proficiency testing (PT) program. Historically, laboratories awarded contracts by EPA have been required to first be approved to perform all methods. The anticipated steps and requirements for the laboratory approval process are described in steps 1 through 6 of the following paragraphs.

EPA anticipates following its typical approach to approving UCMR laboratories, which would require laboratories seeking approval to: (1) Provide EPA with data that demonstrate a successful completion of an initial demonstration of capability (IDC) as outlined in each method; (2) verify successful performance at or below the MRLs as specified in this action; (3) provide information about laboratory standard operating procedures (SOPs); and (4) participate in two EPA PT studies for the analytes of interest. Audits of laboratories may be conducted by EPA prior to and/or following approval, and maintaining approval is contingent on timely and accurate reporting. The ''UCMR 5 Laboratory Approval Manual'' (USEPA, 2020f) provides more specific guidance on EPA laboratory approval program and the specific method acceptance criteria. EPA will also include sample collection procedures that are specific to the methods in the ''UCMR 5 Laboratory Manual,'' and will address this point in our outreach to the public water systems that will be collecting samples.

The structure of the anticipated UCMR 5 laboratory approval program is similar to that employed in the previous UCMRs, and would provide an assessment of the ability of laboratories to perform analyses using the methods listed in § 141.40(a)(3), Table 1. Laboratory participation in the UCMR laboratory approval program is voluntary. However, as in the previous UCMRs, and as proposed for UCMR 5, EPA would require PWSs to exclusively use laboratories that have been approved under the program. EPA expects to post a list of approved UCMR 5 laboratories to: *https://www.epa.gov/dwucmr and will bring this to the attention of the PWSs in our outreach to them*.

1. Request To Participate

Laboratories interested in the UCMR 5 laboratory approval program first email EPA at: *UCMR_Lab_Approval@epa.gov* to request registration materials. EPA expects to accept such requests beginning with the publication of the proposal in the **Federal Register**. Based on a January 1, 2023, anticipated start for UCMR 5 sample collection, EPA anticipates that the final opportunity for a laboratory to complete and submit the necessary registration and application information will be August 1, 2022.

2. Registration

Laboratory applicants provide registration information that includes: Laboratory name, mailing address, shipping address, contact name, phone number, email address and a list of the UCMR 5 methods for which the laboratory is seeking approval. This registration step provides EPA with the necessary contact information, and ensures that each laboratory receives a customized application package.

3. Application Package

Laboratory applicants will complete and return a customized application package that includes the following: IDC data, including precision, accuracy and results of MRL studies; information regarding analytical equipment and other materials; proof of current drinking water laboratory certification (for select compliance monitoring methods); method specific SOPs; and example chromatograms for each method under review.

As a condition of receiving and maintaining approval, the laboratory will be expected to promptly post UCMR 5 monitoring results and quality control data that meet method criteria (on behalf of its PWS clients) to EPA's UCMR electronic data reporting system, SDWARS.

4. EPA's Review of Application Package

EPA will review the application packages and, if necessary, request follow-up information. Laboratories that successfully complete the application process become eligible to participate in the UCMR 5 PT program.

5. Proficiency Testing

A PT sample is a synthetic sample containing a concentration of an analyte or mixture of analytes that is known to EPA, but unknown to the laboratory. To be approved, a laboratory is expected to meet specific acceptance criteria for the analysis of a UCMR 5 PT sample(s) for each analyte in each method, for which the laboratory is seeking approval. EPA anticipates offering up to three of these studies prior to the publication of the final rule, and at least two studies after publication of the final rule. This allows laboratories to complete their portion of the laboratory approval process prior to publication of the final rule, and receive their approval immediately following the publication of the final rule. A laboratory is expected to participate in and report data for at least two PT studies. This allows EPA to collect a robust data set for PT results, and provides laboratories with extra analytical experience using UCMR 5 methods. Laboratories must pass a PT for every analyte in the method to be approved for that method, and may participate in multiple PT studies in order to produce passing results for each analyte. EPA has taken this approach in UCMR 5, recognizing that EPA Method 533 contains 25 analytes. EPA does not

expect to conduct additional PT studies after the start of PWS monitoring; however, laboratory audits will likely be ongoing throughout the implementation of UCMR 5. Initial laboratory approval is expected to be contingent on successful completion of PT studies, which includes properly uploading the PT results to SDWARS. Continued laboratory approval is contingent on successful completion of the audit process and satisfactorily meeting all the other stated conditions.

6. Written EPA Approval

After a laboratory successfully completes steps 1 through 5, EPA expects to send the laboratory a notification letter listing the methods for which approval is either ''pending'' (*i.e.,* pending promulgation of the final rule if the PT studies have been conducted prior to that time), or for which approval is ''granted'' (if after promulgation of the final rule). Laboratories receiving pending approval are expected to be granted approval without further action following promulgation of the final rule if no changes have been made to the rule that impact the laboratory approval program. EPA expects to contact the laboratory if changes are made between the proposed and final rules that warrant additional action by the laboratory.

M. What documents are being incorporated by reference?

The following methods are being incorporated by reference into this section for the UCMR 5 monitoring. All method material is available for inspection electronically at *http://www.regulations.gov* (Docket ID No. EPA–HQ–OW–2020–0530), or from the sources listed for each method. EPA has worked to make these methods and documents reasonably available to interested parties. The methods that may be used to support monitoring under this rule are as follows:

1. Methods From the U.S. Environmental Protection Agency

The following methods are available at EPA's Docket No. EPA–HQ–OW–2020–0530.

(i) EPA Method 200.7 ''Determination of Metals and Trace Elements in Water and Wastes by Inductively Coupled Plasma-Atomic Emission Spectrometry,'' Revision 4.4, 1994. Available on the internet at *https://www.epa.gov/esam/method-2007-determination-metals-and-trace-elements-water-and-wastes-inductively-coupled-plasma.* This is an EPA method for the analysis of metals and trace elements in water by ICP–AES and is proposed to measure lithium during UCMR 5. See also the discussion of non-EPA methods for lithium in this section.

(ii) EPA Method 533 ''Determination of Per- and Polyfluoroalkyl Substances in Drinking Water by Isotope Dilution Anion Exchange Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry,'' November 2019, EPA 815–B–19–020. Available on the internet at *https://www.epa.gov/dwanalyticalmethods.* This is an EPA method for the analysis PFAS in drinking water using SPE and LC/MS/MS and is proposed to measure 25 PFAS during UCMR 5 (11Cl-PF3OUdS, 8:2 FTS, 4:2 FTS, 6:2 FTS, ADONA, 9Cl-PF3ONS, HFPO–DA (GenX), NFDHA, PFEESA, PFMPA, PFMBA, PFBS, PFBA, PFDA, PFDoA, PFHpS, PFHpA, PFHxS, PFHxA, PFNA, PFOS, PFOA, PFPeS, PFPeA, and PFUnA).

(iii) EPA Method 537.1 ''Determination of Selected Per- and Polyfluorinated Alkyl Substances in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS),'' Version 2.0, November 2020, EPA/600/R–20/006. Available on the internet at *https://www.epa.gov/dwanalyticalmethods.* This is an EPA method for the analysis of PFAS in drinking water using SPE and LC/MS/MS and is proposed to measure four PFAS during UCMR 5 (NEtFOSAA, NMeFOSAA, PFTA, and PFTrDA).

2. Alternative Methods From American Public Health Association—Standard Methods (SM)

The following methods are from American Public Health—Standard Methods (SM), 800 I Street NW, Washington, DC 20001–3710.

(i) ''Standard Methods for the Examination of Water & Wastewater,'' 23rd edition (2017).

(a) SM 3120 B ''Metals by Plasma Emission Spectroscopy (2017): Inductively Coupled Plasma (ICP) Method.'' This is a Standard Method for the analysis of metals in water and wastewater by emission spectroscopy using ICP and may be used for the analysis of lithium.

(ii) ''Standard Methods Online,'' approved 1999. Available for purchase on the internet at *http://www.standardmethods.org.*

(a) SM 3120 B ''Metals by Plasma Emission Spectroscopy: Inductively Coupled Plasma (ICP) Method (Editorial Revisions, 2011),'' (SM 3120 B–99). This is a Standard Method for the analysis of metals in water and wastewater by emission spectroscopy using ICP and may be used for the analysis of lithium.

3. Methods From ASTM International

The following methods are from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959.

(i) ASTM D1976–20 ''Standard Test Method for Elements in Water by Inductively-Coupled Plasma Atomic Emission Spectroscopy,'' approved May 1, 2020. Available for purchase on the internet at *https://www.astm.org/Standards/D1976.htm.* This is an ASTM method for the analysis of elements in water by ICP–AES and may be used to measure lithium.

N. What is the State's role in the UCMR?

UCMR is a direct implementation rule (*i.e.,* EPA has primary responsibility for its implementation), and state participation is voluntary. Under the previous UCMR cycles, specific activities that individual states agreed to carry out or assist with were identified and established exclusively through Partnership Agreements. Through Partnership Agreements, states can help EPA implement the UCMR, and help ensure that the UCMR data are of the highest quality possible to best support the Agency decision making. Under UCMR 5, EPA expects to continue to use the Partnership Agreement process to determine and document the following: The process for review and revision of the State Monitoring plans; replacing and updating system information including inventory; review of proposed GWRMPs; notification and instructions for systems; and compliance assistance. EPA is considering deploying a SDWIS/State extraction tool to assist partnered states with providing system information to the Agency. EPA recognizes that primacy agencies often have the best information about their PWSs and encourages them to partner in the UCMR 5 program.

O. How did EPA consider Children's Environmental Health?

By monitoring for unregulated contaminants that may pose health risks via drinking water, UCMR furthers the protection of public health for all citizens, including children. Children consume more water per unit of body weight compared to adults. Moreover, formula-fed infants drink a large amount of water compared to their body weight. Thus, while children's exposure to contaminants in drinking water may present a disproportionate health risk (USEPA, 2011), the objective of UCMR 5 is to collect nationally representative drinking water occurrence data on unregulated contaminants for consideration in potential future

regulation. The detailed information on the prioritization process, as well as contaminant-specific information (*e.g.,* source, use, production, release, persistence, mobility, health effects, and occurrence), that EPA used to select the proposed analyte list, is contained in ''Information Compendium for Candidate Contaminants for the Proposed Unregulated Contaminant Monitoring Rule (UCMR 5)'' (USEPA, 2020e).

Executive Order 13045 does not apply to UCMR 5 because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children (See IV.G. Executive Order 13045 of this document). However, EPA's Policy on Evaluating Health Risks to Children, which ensures that the health of infants and children is explicitly considered in the Agency's decision making, is applicable, see: *https://www.epa.gov/children/epas-policy-evaluating-risk-children.*

Using quantitation data from multiple laboratories, EPA establishes statistically-based UCMR reporting levels that are projected to be feasible for the national network of approved drinking water laboratories to quantify accurately. EPA generally sets the reporting levels as low as is practical, even if that level is well below concentrations that are currently associated with known or suspected health effects. In doing so, EPA positions itself to better address contaminant risk information in the future, including that associated with unique risks to children. EPA requests comments regarding any further steps that may be taken to evaluate and address health risks to children that fall within the scope of UCMR 5.

P. How did EPA address environmental justice?

EPA has concluded that this action is not subject to Executive Order 12898 because it does not establish an environmental health or safety standard (see IV.J. Executive Order 12898 of this document). This proposed action would provide EPA and other interested parties with scientifically valid data on the national occurrence data of selected contaminants in drinking water. By seeking to identify unregulated contaminants that may pose health risks via drinking water from all PWSs, UCMR furthers the protection of public health for all citizens. EPA recognizes that unregulated contaminants in drinking water are of interest to all populations and structured the rulemaking process and implementation of the UCMR 5 rule to allow for meaningful involvement and transparency. EPA organized public meetings and webinars to share information regarding the development of UCMR 5; consulted with tribal governments; and convened a workgroup that included representatives from several states.

EPA proposes to continue to collect U.S. Postal Service Zip Codes for each PWS's service area, as collected under UCMR 3 and UCMR 4, to support potential assessments of whether or not minority, low-income and/or indigenous-population communities are uniquely impacted by particular drinking water contaminants. EPA solicits comment on the utility of this approach (including whether this is an appropriate way for PWSs to identify service areas), and welcomes comments regarding other actions the Agency could take to further address environmental justice within the UCMR. EPA welcomes, for example, comments regarding sampling and/or modeling approaches, and the feasibility and utility of applying these approaches to determine disproportionate impacts. EPA also welcomes comments on information other than Zip Codes that could be collected and used to support potential assessments of whether or not minority, low-income and/or indigenous-population communities are uniquely impacted by particular drinking water contaminants.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket. A full analysis of potential costs associated with this action, the ''Draft Information Collection Request for the Unregulated Contaminant Monitoring Rule (UCMR 5),''(USEPA, 2020b) ICR Number 2040–NEW, is also available in the docket (Docket ID No. EPA–HQ–OW–2020–0530). A summary of the draft ICR can be found in section I.C of this document.

B. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the PRA. The Information Collection Request (ICR) document (USEPA, 2020b) that EPA prepared has been assigned EPA ICR number 2040–NEW. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

The information that EPA proposes to collect under this rule fulfills the statutory requirements of § 1445(a)(2) of the SDWA, as amended in 1996, 2018, and 2019. The data will describe the source of the water, location and test results for samples taken from public water systems (PWSs). The information collected will support EPA's decisions as to whether or not to regulate particular contaminants under the SDWA. Reporting is mandatory. The data are not subject to confidentiality protection.

The five-year UCMR 5 period spans 2022–2026. As proposed, UCMR 5 sample collection begins in 2023 and continues through 2025. Since ICRs cannot be approved by OMB for a period longer than three years pursuant to 5 CFR 1320.10, the primary analysis in the ICR only covers the first three years of the collection (*i.e.,* 2022–2024). Prior to expiration of the ICR, EPA will seek to renew the ICR and thus receive approval to collect information under the PRA in the remaining two years of the UCMR 5 period.

Respondents/affected entities: The respondents/affected entities are small PWSs (those serving 10,000 or fewer people); large PWSs (those serving 10,001 to 100,000 people); very large PWSs (those serving more than 100,000 people); and states.

Respondent's obligation to respond: Mandatory (40 CFR 141.35).

Estimated number of respondents: Respondents to UCMR 5, as proposed, include ~5,900 small PWSs, ~4,400 large PWSs, and the 56 primacy agencies (50 states, one tribal nation, and five territories) for a total of ~10,400 respondents.

Frequency of response: The frequency of response varies across respondents and years. Across the initial 3-year ICR period for UCMR 5, small PWSs would sample an average of 2.8 times per PWS (*i.e.,* number of responses per PWS); large PWSs would sample and report and average of 3.2 times per PWS; and very large PWSs would sample and report an average of 3.7 times per PWS.

Total estimated burden: 48,406.1 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $9,734,617, annualized capital or operation & maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB

control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to EPA using the docket identified at the beginning of this rule. 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. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive comments no later than April 12, 2021. EPA will respond to any ICR-related comments in the final rule.

C. Regulatory Flexibility Act (RFA)

For purposes of assessing the impacts of this rule on small entities, EPA considered small entities to be PWSs serving 10,000 or fewer people. As required by the RFA, EPA proposed using this alternative definition in the **Federal Register** (63 FR 7606, February 13, 1998 (USEPA, 1998a)), sought public comment, consulted with the Small Business Administration (SBA) and finalized the alternative definition in the Consumer Confidence Reports rulemaking, (63 FR 44512, August 19, 1998 (USEPA, 1998b)). As stated in that Final Rule, the alternative definition would apply to this regulation, and future drinking water rules.

EXHIBIT 9—NUMBER OF PUBLICLY- AND PRIVATELY-OWNED SMALL SYSTEMS SUBJECT TO UCMR 5

System size (number of people served)	Publicly-owned	Privately-owned	Total [1]
Ground Water			
500 and under	134	401	534
501 to 3,300	120	45	165
3,301 to 10,000	2,334	541	2,875
Subtotal Ground Water	*2,588*	*987*	*3,574*
Surface Water (and Ground Water Under the Direct Influence of Surface Water)			
500 and under	22	27	49
501 to 3,300	38	14	52
3,301 to 10,000	1,762	509	2,272
Subtotal Surface Water	*1,822*	*550*	*2,373*
Total of Small Water Systems	*4,410*	*1,537*	*5,947*

[1] PWS counts were adjusted to display as whole numbers in each size category.

The basis for the proposed UCMR 5 RFA certification is as follows: For the 5,947 small water systems that would be affected, the average annual cost for complying with this rule represents no more than 0.5% of system revenues (the highest estimated percentage is for GW systems serving 500 or fewer people, at 0.5% of its median revenue). The average yearly cost to small systems to comply with UCMR 5 over the five-year period of 2022–2026, as proposed, is approximately $0.3 million. The average yearly cost to EPA to implement UCMR 5 over the same period, as proposed, is approximately $10.5 million, with most of that cost associated with the small system sampling program. EPA anticipates that approximately one third of the 5,947 small PWSs will collect samples in each of three years (2023, 2024, and 2025).

PWS costs are attributed to the labor required for reading about UCMR 5 requirements, monitoring, reporting and record keeping. The estimated average annual burden across the 5-year UCMR 5 implementation period of 2022–2026 is 1.3 hours at $52 per small system. Average annual cost, in all cases, is less than 0.5% of system revenues. By assuming all costs for laboratory analyses, shipping and quality control for small entities, EPA incurs the entirety of the non-labor costs associated with the UCMR 5 small system monitoring, or 96% of total small system testing costs. Exhibit 10 and Exhibit 11 present the estimated economic impacts in the form of a revenue test for publicly- and privately-owned systems.

EXHIBIT 10—UCMR 5 RELATIVE COST ANALYSIS FOR SMALL PUBLICLY-OWNED SYSTEMS

[2022–2026]

System size (number of people served)	Annual number of systems impacted [1]	Average annual hours per system	Average annual cost per system	SBREFA criteria-revenue test [2] (%)
Ground Water Systems				
500 and under	27	1.0	$40.65	0.09
501 to 3,300	24	1.1	43.37	0.02
3,301 to 10,000	467	1.3	49.92	0.01
Surface Water (and Ground Water Under the Direct Influence of Surface Water) Systems				
500 and under	5	1.4	54.39	0.07

EXHIBIT 10—UCMR 5 RELATIVE COST ANALYSIS FOR SMALL PUBLICLY-OWNED SYSTEMS—Continued

[2022–2026]

System size (number of people served)	Annual number of systems impacted [1]	Average annual hours per system	Average annual cost per system	SBREFA criteria-revenue test [2] (%)
501 to 3,300	8	1.4	56.19	0.02
3,301 to 10,000	353	1.5	57.39	0.004

[1] PWS counts were adjusted to display as whole numbers in each size category. Includes the publicly-owned portion of small systems subject to UCMR 5.

[2] Costs are presented as a percentage of median annual revenue for each size category.

EXHIBIT 11—UCMR 5 RELATIVE COST ANALYSIS FOR SMALL PRIVATELY-OWNED SYSTEMS

[2022–2026]

System size (number of people served)	Annual number of systems impacted [1]	Average annual hours per system	Average annual cost per system	SBREFA criteria-revenue test [2] (%)
Ground Water Systems				
500 and under	80	1.0	$40.65	0.48
501 to 3,300	9	1.1	43.37	0.03
3,301 to 10,000	108	1.3	49.92	0.004
Surface Water (and Ground Water Under the Direct Influence of Surface Water) Systems				
500 and under	5	1.4	54.39	0.11
501 to 3,300	3	1.4	56.19	0.02
3,301 to 10,000	102	1.5	57.39	0.004

[1] PWS counts were adjusted to display as whole numbers in each size category. Includes the privately-owned portion of small systems subject to the UCMR 5.

[2] Costs are presented as a percentage of median annual revenue for each size category.

EPA has determined that 5,947 small PWSs (for Assessment Monitoring), or approximately 9.35% of all small systems, would experience an impact of no more than 0.5% of revenues. This accounts for small PWSs familiarizing themselves with the regulatory requirements; reading sampling instructions; traveling to the sampling location; collecting and shipping the samples; and maintaining their records. The 5,975 small PWSs are comprised of all 5,147 systems serving between 3,300 and 10,000, and the representative group of 800 systems serving fewer than 3,300; the remainder of small systems would not participate in UCMR 5 monitoring and would not be impacted.

The Agency certifies that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, EPA believes that the impact of concern is any significant adverse economic impact on small entities, and that an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. Although this proposed rule will not have a significant economic impact on a substantial number of small entities, EPA has attempted to reduce impacts by assuming all costs for analyses of the samples, and for shipping the samples from small systems to laboratories contracted by EPA to analyze the UCMR 5 samples (the cost of shipping is included in the cost of each analytical method). EPA has historically set aside $2.0 million each year from the Drinking Water State Revolving Fund (DWSRF) with its authority to use DWSRF monies for the purposes of implementing this provision of the SDWA. EPA anticipates drawing on these and additional funds, if available, to implement the proposed plan and carry out the expanded UCMR monitoring approach outlined in the AWIA rather than the alternative approach used in UCMR 4 and the preceding UCMR cycles. Thus, the costs to these small systems will be modest and limited to the labor associated with collecting a sample and preparing it for shipping.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandate(s) specifically and explicitly set forth in the SDWA, § 1445(a)(2), Monitoring Program for Unregulated Contaminants. without the exercise of any policy discretion by EPA.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action has tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. As described previously, this proposed rule requires monitoring by all large PWSs. Information in the SDWIS/Fed water system inventory indicates there are approximately 19 large tribal PWSs

(ranging in size from 10,001 to 40,000 customers). EPA estimates the average annual cost to each of these large PWSs, over the 5-year rule period, to be $1,839. This cost is based on a labor component (associated with the collection of samples), and a non-labor component (associated with shipping and laboratory fees), and represents less than 1.2% of average revenue/sales for large PWSs. UCMR 5, as proposed, would also require monitoring by all small PWSs serving 3,300 to 10,000 customers and a nationally representative sample of small PWSs serving fewer than 3,300 customers. Information in the SDWIS/Fed water system inventory indicates there are approximately 72 small tribal PWSs (ranging in size from 3,300 to 10,000 customers). EPA estimates that less than 2% of small tribal systems serving fewer than 3,300 customers will be selected as part of the nationally representative sample. EPA estimates the average annual cost to small tribal systems over the 5-year rule period to be $52. Such cost is based on the labor associated with collecting a sample and preparing it for shipping and represents less than 0.5% of average revenue/sales for small PWSs. All other small-PWS expenses (associated with shipping and laboratory fees) are paid by EPA.

EPA consulted with tribal officials under the Agency's Policy on Consultation and Coordination with Indian Tribes early in the process of developing this regulation to permit them to have meaningful and timely input into its development. A summary of that consultation, titled, ''Summary of the Tribal Coordination and Consultation Process for the Fifth Unregulated Contaminant Monitoring Rule (UCMR 5) Proposal,'' is provided in the electronic docket listed in the **ADDRESSES** section of this document. EPA specifically solicits additional comment on this proposed rule from tribal officials.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 applies to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action does not meet those criteria and is not subject to Executive Order 13045.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy and has not otherwise been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

I. National Technology Transfer and Advancement Act (NTTAA)

This action involves technical standards. EPA proposes to allow the use of methods developed by the Agency, and three major voluntary consensus method organizations to support UCMR 5 monitoring. The voluntary consensus method organizations are Standard Methods for the Examination of Water and Wastewater, and ASTM International. EPA identified acceptable consensus method organization standards for the analysis of lithium.

All of these standards are reasonably available for public use. EPA methods are free for download on the Agency's website. The methods in the Standard Methods for the Examination of Water and Wastewater 23rd edition are consensus standards, available for purchase from the publisher, and are commonly used by the drinking water laboratory community. The methods in the Standard Methods Online are consensus standards, available for purchase from the publisher's website, and are commonly used by the drinking water laboratory community. The methods from ASTM International are consensus standards, are available for purchase from the publisher's website, and are commonly used by the drinking water laboratory community. EPA welcomes comments on this aspect of the proposed rulemaking; the Agency specifically invites the public to identify potentially-applicable voluntary consensus standards and explain why such standards should be used in this rule.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. Background information regarding EPA's consideration of Executive Order 12898 in the development of this proposed rule is provided in section III.P of this document, and an additional supporting document has been placed in the electronic docket listed in the **ADDRESSES** section of this document.

V. References

(i) ASDWA. 2013. *Insufficient Resources for State Drinking Water Programs Threaten Public Health: An Analysis of State Drinking Water Programs' Resources and Needs.* December 2013. Available on the internet at: *https://www.asdwa.org/asdwa-reports/.*

(ii) ASTM. 2020. ASTM D1976–20—*Standard Test Method for Elements in Water by Inductively-Coupled Plasma Atomic Emission Spectroscopy.* ASTM, 100 Barr Harbor Drive, West Conshohocken, PA 19428. Approved May 1, 2020. Available for purchase on the internet at *https://www.astm.org/Standards/D1976.htm.*

(iii) Glassmeyer, S.T., E.T. Furlong, D.W. Kolpin, A.L. Batt, R. Benson, J.S. Boone, O. Conerly, M.J. Donohue, D.N. King, M.S. Kostich, H.E. Mash, S.L. Pfaller, K.M. Schenck, J.E. Simmons, E.A. Varughese, S.J. Vesper, E.N. Villegas, and V.S. Wilson. 2017. Nationwide Reconnaissance of Contaminants of Emerging Concern in Source and Treated Drinking Waters of the United States. *Science of the Total Environment* (581–582):909–922.

(iv) IDEXX Laboratories, Inc. 2020. Legiolert™ Test. One IDEXX Drive, Westbrook, Maine 04092 USA.

(v) Settlement Agreement, *Waterkeeper Alliance, Inc.* v. *U.S. EPA,* No. 1:19–cv–00899–LJL (S.D.N.Y. Jun. 1, 2020).

(vi) SM. 2017. 3120B—Metals by Plasma Emission Spectroscopy (2017): Inductively Coupled Plasma (ICP) Method. *Standard Methods for the Examination of Water and Wastewater, 23rd edition.* American Public Health Association, 800 I Street NW, Washington, DC 20001–3710.

(vii) SM Online. 1999. 3120B–99—Metals by Plasma Emission Spectroscopy: Inductively Coupled Plasma (ICP) Method (Editorial Revisions, 2011). *Standard Methods Online.* Available for purchase on the internet at *http://www.standardmethods.org.*

(viii) USEPA. 1989. National Primary Drinking Water Regulations; Filtration, Disinfection; Turbidity, Giardia lamblia, Viruses, Legionella, and Heterotrophic Bacteria; Final Rule. **Federal Register**. Vol. 54, No. 124, p. 27486, June 29, 1989.

(ix) USEPA. 1994. *EPA Method 200.7—Determination of Metals and Trace Elements in Water and Wastes by Inductively Coupled Plasma-Atomic Emission Spectrometry,* Revision 4.4. Office of Research and Development, Cincinnati, OH. Available on the internet at *https://www.epa.gov/esam/method-2007-determination-metals-and-trace-elements-water-and-wastes-inductively-coupled-plasma.*

(x) USEPA. 1995. *EPA Method 551.1—Determination of Chlorination*

Disinfection Byproducts, Chlorinated Solvents, and Halogenated Pesticides/Herbicides in Drinking Water by Liquid-Liquid Extraction and Gas Chromatography with Electron-Capture Detection, Revision 1.0. Office of Research and Development, Cincinnati, OH. Available on the internet at *https://www.epa.gov/esam/epa-method-5511-determination-chlorination-disinfection-byproducts-chlorinated-solvents-and*

(xi) USEPA. 1998a. National Primary Drinking Water Regulations: Consumer Confidence Reports; Proposed Rule. **Federal Register**. Vol. 63, No. 30, p. 7606, February 13, 1998.

(xii) USEPA. 1998b. National Primary Drinking Water Regulation: Consumer Confidence Reports; Final Rule. **Federal Register**. Vol. 63, No. 160, p. 44512, August 19, 1998.

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List of Subjects in 40 CFR Part 141

Environmental protection, Chemicals, Incorporation by reference, Indian-lands, Intergovernmental relations, Reporting and recordkeeping requirements, Water supply.

Jane Nishida,

Acting Administrator.

For the reasons set forth in the preamble, EPA proposes to amend 40 CFR part 141 as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

■ 1. The authority citation for Part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

Subpart D—Reporting and Recordkeeping

■ 2. Amend § 141.35 by:

■ a. Revising in paragraph (a) the fourth sentence.

■ b. Removing in paragraph (c)(1) the words ''December 31, 2017,'' and add in its place the words ''December 31, 2022,''.

■ c. Revising paragraphs (c)(2), (3)(i) through (iii), (c)(4), (5)(i), (6)(ii).

■ d. Revising in paragraphs (d) and (d)(2) the first, second, and third sentences.

■ e. Adding paragraph (d)(3).

■ f. Revising paragraph (e).

The revisions and addition read as follows:

§ 141.35 Reporting for unregulated contaminant monitoring results.

(a) * * * For the purposes of this section, PWS ''population served'' is the retail population served directly by the PWS as reported to the Federal Safe

Drinking Water Information System (SDWIS/Fed). * * *

* * * * *

(c) * * *

(2) *Sampling location inventory information.* You must provide your inventory information by December 31, 2022, using EPA's electronic data reporting system, as specified in paragraph (b)(1) of this section. You must submit, verify or update data elements 1–9 (as defined in Table 1 of paragraph (e) of this section) for each sampling location, or for each approved representative sampling location (as specified in paragraph (c)(3) of this section regarding representative sampling locations. If this information changes, you must report updates, including new sources and sampling locations that are put in use before or during the UCMR sampling period, to EPA's electronic data reporting system within 30 days of the change.

(3) * * *

(i) *Qualifications.* Large PWSs that have EPA- or State-approved representative EPTDS sampling locations from a previous UCMR cycle, or as provided for under § 141.23(a)(1), § 141.24(f)(1), or § 141.24(h)(1), may submit a copy of documentation from your State or EPA that approves your representative sampling plan. PWSs that do not have an approved representative EPTDS sampling plan may submit a proposal to sample at representative EPTDS(s) rather than at each individual EPTDS if: You use ground water as a source; all of your well sources have either the same treatment or no treatment; and you have multiple EPTDSs from the same source, (*i.e.,* same aquifer). You must submit a copy of the existing or proposed representative EPTDS sampling plan, as appropriate, at least six months prior to your scheduled sample collection, as specified in paragraph (b)(1) of this section. If changes to your inventory that impact your representative plan occur before or during the UCMR sampling period, you must report updates within 30 days of the change.

(ii) *Demonstration.* If you are submitting a proposal to sample at representative EPTDS(s) rather than at each individual EPTDS, you must demonstrate that any EPTDS that you propose as representative of multiple wells is associated with a well that draws from the same aquifer as the wells it will represent. The proposed well must be representative of the highest annual-volume and most consistently active wells in the representative array. If that representative well is not in use at the scheduled sampling time, you must select and sample an alternative representative well. You must submit the information defined in Table 1, paragraph (e) of this section for each proposed representative sampling location. You must also include documentation to support your proposal that the specified wells are representative of other wells. This documentation can include system-maintained well logs or construction drawings indicating that the representative well(s) is/are at a representative depth, and details of well casings and grouting; data demonstrating relative homogeneity of water quality constituents (*e.g.,* pH, dissolved oxygen, conductivity, iron, manganese) in samples drawn from each well; and data showing that your wells are located in a limited geographic area (*e.g.,* all wells within a 0.5 mile radius) and/or, if available, the hydrogeologic data indicating the time of travel separating the representative well from each of the individual wells it represents (*e.g.,* all wells within a five-year time of travel delineation). Your proposal must be sent in writing to EPA, as specified in paragraph (b)(1) of this section.

(iii) *Approval.* EPA or the State (as specified in the partnership agreement reached between the State and EPA) will review your proposal and coordinate any necessary changes with you. Your plan will not be final until you receive written approval from EPA, identifying the final list of EPTDSs where you will be required to monitor.

(4) *Contacting EPA if your PWS has not been notified of requirements.* If you believe you are subject to UCMR requirements, as defined in § 141.40(a)(1) and (2)(i), and you have not been contacted by either EPA or your State by [120 days after publication of the **Federal Register**], you must send a letter to EPA, as specified in paragraph (b)(1) of this section. The letter must be from your PWS Official and must include an explanation as to why the UCMR requirements are applicable to your system along with the appropriate contact information. A copy of the letter must also be submitted to the State, as directed by the State. EPA will make an applicability determination based on your letter, and in consultation with the State when necessary, and will notify you regarding your applicability status and required sampling schedule. However, if your PWS meets the applicability criteria specified in § 141.40(a)(2)(i), you are subject to the UCMR monitoring and reporting requirements, regardless of whether you have been contacted by the State or EPA.

(5) * * *

(i) *General rescheduling notification requirements.* Large systems may independently change their monitoring schedules up to December 31, 2022, using EPA's electronic data reporting system, as specified in paragraph (b)(1) of this section. After this date has passed, if your PWS cannot sample according to your assigned sampling schedule (*e.g.,* because of budget constraints, or if a sampling location will be closed during the scheduled month of monitoring), you must mail or email a letter to EPA, as specified in paragraph (b)(1) of this section, prior to the scheduled sampling date. You must include an explanation of why the samples cannot be taken according to the assigned schedule, and you must provide the alternative schedule you are requesting. You must not reschedule monitoring specifically to avoid sample collection during a suspected vulnerable period. You are subject to your assigned UCMR sampling schedule or the schedule that you revised on or before December 31, 2022, unless and until you receive a letter from EPA specifying a new schedule.

* * * * *

(6) * * *

(ii) *Reporting schedule.* You must require your laboratory, on your behalf, to post and approve the data in EPA's electronic data reporting system, accessible at *https://www.epa.gov/dwucmr,* for your review within 90 days from the sample collection date (sample collection must occur as specified in § 141.40(a)(4)). You then have 30 days from when the laboratory posts and approves your data to review, approve, and submit the data to the State and EPA via the Agency's electronic data reporting system. If you do not electronically approve and submit the laboratory data to EPA within 30 days of the laboratory posting approved data, the data will be considered approved by you and available for State and EPA review.

* * * * *

(d) *Reporting by small systems.* If you serve a population of 3,300 to 10,000, and meet the applicability criteria in § 141.40(a)(2)(ii), you must meet the reporting requirements in paragraphs (d)(1) through (3) of this section. If you serve a population of less than 3,300 people, and you are notified that you have been selected for UCMR monitoring, your reporting requirements will be specified within the materials that EPA sends you, including a request for contact information, and a request

for information associated with the sampling kit.

* * * * *

(2) *Sampling location inventory information.* You must provide your inventory information by December 31, 2022, using EPA's electronic data reporting system, as specified in paragraph (b)(1) of this section. If this information changes, you must report updates, including new sources, and sampling locations that are put in use before or during the UCMR sampling period, to EPA's electronic data reporting system within 30 days of the change, as specified in paragraph (b)(1) of this section. * * *

(3) *Contacting EPA if your PWS has not been notified of requirements.* If you believe you are subject to UCMR requirements, as defined in § 141.40(a)(1) and (2)(ii), and you have not been contacted by either EPA or your State by [120 days after publication of the **Federal Register**], you must send a letter to EPA, as specified in paragraph (b)(1) of this section. The letter must be from your PWS Official and must include an explanation as to why the UCMR requirements are applicable to your system along with the appropriate contact information. A copy of the letter must also be submitted to the State, as directed by the State. EPA will make an applicability determination based on your letter, and in consultation with the State when necessary, and will notify you regarding your applicability status and required sampling schedule. However, if your PWS meets the applicability criteria specified in § 141.40(a)(2)(ii), you are subject to the UCMR monitoring and reporting requirements, regardless of whether you have been contacted by the State or EPA.

(e) *Data elements.* Table 1 defines the data elements that must be provided for UCMR monitoring.

TABLE 1—UNREGULATED CONTAMINANT MONITORING REPORTING REQUIREMENTS

Data element	Definition
1. Public Water System Identification (PWSID) Code.	The code used to identify each PWS. The code begins with the standard 2-character postal State abbreviation or Region code; the remaining 7 numbers are unique to each PWS in the State. The same identification code must be used to represent the PWS identification for all current and future UCMR monitoring.
2. Public Water System Name	Unique name, assigned once by the PWS.
3. Public Water System Facility Identification Code.	An identification code established by the State or, at the State's discretion, by the PWS, following the format of a 5-digit number unique within each PWS for each applicable facility (*i.e.,* for each source of water, treatment plant, distribution system, or any other facility associated with water treatment or delivery). The same identification code must be used to represent the facility for all current and future UCMR monitoring.
4. Public Water System Facility Name.	Unique name, assigned once by the PWS, for every facility ID (*e.g.,* Treatment Plant).
5. Public Water System Facility Type.	That code that identifies that type of facility as either: CC = consecutive connection. SS = sampling station. TP = treatment plant. OT = other.
6. Water Source Type	The type of source water that supplies a water system facility. Systems must report one of the following codes for each sampling location: SW = surface water (to be reported for water facilities that are served entirely by a surface water source during the twelve-month period). GU = ground water under the direct influence of surface water (to be reported for water facilities that are served all or in part by ground water under the direct influence of surface water at any time during the twelve-month sampling period), and are not served at all by surface water during this period. MX = mixed water (to be reported for water facilities that are served by a mix of surface water, ground water and/or ground water under the direct influence of surface water during the twelve-month period). GW = ground water (to be reported for water facilities that are served entirely by a ground water source during the twelve-month period).
7. Sampling Point Identification Code.	An identification code established by the State, or at the State's discretion, by the PWS, that uniquely identifies each sampling point. Each sampling code must be unique within each applicable facility, for each applicable sampling location (*i.e.,* entry point to the distribution system). The same identification code must be used to represent the sampling location for all current and future UCMR monitoring.
8. Sampling Point Name	Unique sample point name, assigned once by the PWS, for every sample point ID (*e.g.,* Entry Point).
9. Sampling Point Type Code	A code that identifies the location of the sampling point as: EP = entry point to the distribution system.
10. Disinfectant Type	All of the disinfectants/oxidants that have been added prior to and at the entry point to the distribution system. Please select all that apply: PEMB = Permanganate. HPXB = Hydrogen peroxide. CLGA = Gaseous chlorine. CLOF = Offsite Generated Hypochlorite (stored as a liquid form). CLON = Onsite Generated Hypochlorite. CAGC = Chloramine (formed with gaseous chlorine). CAOF = Chloramine (formed with offsite hypochlorite). CAON = Chloramine (formed with onsite hypochlorite). CLDB = Chlorine dioxide. OZON = Ozone. ULVL = Ultraviolet light. OTHD = All other types of disinfectant/oxidant. NODU = No disinfectant/oxidant used.
11. Treatment Information	Treatment information associated with the sample point. Please select all that apply. CON = Conventional (non-softening, consisting of at least coagulation/sedimentation basins and filtration).

TABLE 1—UNREGULATED CONTAMINANT MONITORING REPORTING REQUIREMENTS—Continued

Data element	Definition
	SFN = Softening. RBF = River bank filtration. PSD = Pre-sedimentation. INF = In-line filtration. DFL = Direct filtration. SSF = Slow sand filtration. BIO = Biological filtration (operated with an intention of maintaining biological activity within filter). UTR = Unfiltered treatment for surface water source. GWD = Groundwater system with disinfection only. PAC = Application of powder activated carbon. GAC = Granular activated carbon adsorption (not part of filters in CON, SCO, INF, DFL, or SSF). AIR = Air stripping (packed towers, diffused gas contactors). POB = Pre-oxidation with chlorine (applied before coagulation for CON or SFN plants or before filtration for other filtration plants). MFL = Membrane filtration. IEX = Ionic exchange. DAF = Dissolved air floatation. CWL = Clear well/finished water storage without aeration. CWA = Clear well/finished water storage with aeration. ADS = Aeration in distribution system (localized treatment). OTH = All other types of treatment. NTU = No treatment used. DKN = Do not know.
12. Sample Collection Date	The date the sample is collected, reported as 4-digit year, 2-digit month, and 2-digit day (YYYYMMDD).
13. Sample Identification Code	An alphanumeric value up to 30 characters assigned by the laboratory to uniquely identify containers, or groups of containers, containing water samples collected at the same sampling location for the same sampling date.
14. Contaminant	The unregulated contaminant for which the sample is being analyzed.
15. Analytical Method Code	The identification code of the analytical method used.
16. Extraction Batch Identification Code.	Laboratory assigned extraction batch ID. Must be unique for each extraction batch within the laboratory for each method. For CCC samples report the Analysis Batch Identification Code as the value for this field. For methods without an extraction batch, leave this field null.
17. Extraction Date	Date for the start of the extraction batch (YYYYMMDD). For methods without an extraction batch, leave this field null.
18. Analysis Batch Identification Code.	Laboratory assigned analysis batch ID. Must be unique for each analysis batch within the laboratory for each method.
19. Analysis Date	Date for the start of the analysis batch (YYYYMMDD).
20. Sample Analysis Type	The type of sample collected and/or prepared, as well as the fortification level. Permitted values include: CCCL = MRL level continuing calibration check; a calibration standard containing the contaminant, the internal standard, and surrogate analyzed to verify the existing calibration for those contaminants. CCCM = medium level continuing calibration check; a calibration standard containing the contaminant, the internal standard, and surrogate analyzed to verify the existing calibration for those contaminants. CCCH = high level continuing calibration check; a calibration standard containing the contaminant, the internal standard, and surrogate analyzed to verify the existing calibration for those contaminants. FS = field sample; sample collected and submitted for analysis under this rule. LFB = laboratory fortified blank; an aliquot of reagent water fortified with known quantities of the contaminants and all preservation compounds. LRB = laboratory reagent blank; an aliquot of reagent water treated exactly as a field sample, including the addition of preservatives, internal standards, and surrogates to determine if interferences are present in the laboratory, reagents, or other equipment. LFSM = laboratory fortified sample matrix; a UCMR field sample with a known amount of the contaminant of interest and all preservation compounds added. LFSMD = laboratory fortified sample matrix duplicate; duplicate of the laboratory fortified sample matrix. QCS = quality control sample; a sample prepared with a source external to the one used for initial calibration and CCC. The QCS is used to check calibration standard integrity. FRB = field reagent blank; an aliquot of reagent water treated as a sample including exposure to sampling conditions to determine if interferences or contamination are present from sample collection through analysis.
21. Analytical Results—Sign	A value indicating whether the sample analysis result was: (<) ''less than'' means the contaminant was not detected, or was detected at a level below the Minimum Reporting Level. (=) ''equal to'' means the contaminant was detected at the level reported in ''Analytical Result—Measured Value.''
22. Analytical Result—Measured Value.	The actual numeric value of the analytical results for: Field samples; laboratory fortified matrix samples; laboratory fortified sample matrix duplicates; and concentration fortified.
23. Additional Value	Represents the true value or the fortified concentration for spiked samples for QC Sample Analysis Types (CCCL, CCCM, CCCH, QCS, LFB, LFSM and LFSMD).
24. Laboratory Identification Code	The code, assigned by EPA, used to identify each laboratory. The code begins with the standard two-character State postal abbreviation; the remaining five numbers are unique to each laboratory in the State.
25. Sample Event Code	A code assigned by the PWS for each sample event. This will associate samples with the PWS monitoring plan to allow EPA to track compliance and completeness. Systems must assign the following codes: SE1, SE2, SE3 and SE4—represent samples collected to meet UCMR Assessment Monitoring requirements; where ''SE1'' and ''SE2'' represent the first and second sampling period for all water types; and ''SE3'' and ''SE4'' represent the third and fourth sampling period for SW, GU, and MX sources only.

TABLE 1—UNREGULATED CONTAMINANT MONITORING REPORTING REQUIREMENTS—Continued

Data element	Definition
26. Historical Information for Contaminant Detections and Treatment.	A yes or no answer provided by the PWS for each entry point to the distribution system. Question: Have you tested for the contaminant in your drinking water in the past? YES = If yes, did you modify your treatment and if so, what types of treatment did you implement? Select all that apply. PAC = Application of powder activated carbon. GAC = Granular activated carbon adsorption (not part of filters in CON, SCO, INF, DFL, or SSF). IEX = Ionic exchange. Nanofiltration and reverse osmosis. OZON = Ozone. Biologically Active Carbon. MFL = Membrane filtration. ULVL = Ultraviolet light. Other. No = have never tested for the contaminant. DK = I do not know.
27. Potential PFAS Sources	A yes or no answer provided by the PWS for each entry point to the distribution system. Question: Are you aware of any potential current and/or historical sources of PFAS that may have impacted the drinking water sources at your water system? YES = If yes, select all that apply: MB = Military Base. FT = Firefighting training school. AO = Airport Operations. CW = Car Wash or Industrial Launderers. PS = Public Safety Activities (*e.g.,* fire and rescue services). WM = Waste Management. HW = Hazardous waste collection, treatment and disposal, Underground Injection Well. SC = Solid waste collection, combustors, incinerators. MF = Manufacturing. FP = Food Packaging. TA = Textile and Apparel (*e.g.,* stain- and water- resistant, fiber/thread, carpet, house furnishings, leather). PP = Paper. CC = Chemical. PR = Plastics and Rubber Products. MM = Machinery. CE = Computer and Electronic Products. FM = Fabricated Metal Products (*e.g.,* nonstick cookware). PC = Petroleum and Coal Products. FF = Furniture. OG = Oil and Gas Production. UT = Utilities (*e.g.,* sewage treatment facilities). CT = Construction (*e.g.,* wood floor finishing, electrostatic painting). OT = Other. No = I am not aware of any potential current and/or historical sources. DK—I do not know.
28. Direct Potable Reuse Water Information.	A yes or no answer provided by the PWS for each entry point to the distribution system. Question: Do you use direct potable reuse as a source of water? Yes = If yes, what is the blending ratio when used? Enter blending ratio at sample point. No = do not use direct potable reuse water.

Subpart E—Special Regulations, Including Montoring Regulations and Prohibtion on Lead Use

■ 3. Amend § 141.40 by:
■ a. Removing in paragraph (a) introductory text the words ''December 31, 2015'' and add it its place the words ''February 1, 2021 or subsequent corrections from the State,'',
■ b. Revising paragraphs (a)(2)(ii), (2)(ii)(A), (3), (4)(i)(A) and (B) and (C).
■ c. Revising paragraph (a)(4)(ii) and the first sentence in paragraph (4)(ii)(A).
■ d. Removing paragraph (a)(4)(iii).
■ e. Revising in paragraph (a)(5)(ii) the fifth and sixth sentences.
■ f. Revising paragraph (a)(5)(iii).
■ g. Removing and reserving paragraph (a)(5)(iv).
■ h. Revising paragraphs (a)(5)(v) and (vi) and paragraph (c).

The revisions read as follows:

§ 141.40 Monitoring requirements for unregulated contaminants.

(a) * * *

* * * * *

(2) * * *

(ii) *Small systems.* EPA will provide sample containers, provide pre-paid air bills for shipping the sampling materials, conduct the laboratory analysis, and report and review monitoring results for all small systems selected to conduct monitoring under paragraphs (a)(2)(ii)(A) through (C) of this section. If you own or operate a PWS (other than a transient non-community water system) that serves a retail population of 3,300 to 10,000 people, or if you serve a population of fewer than 3,300 people and you are notified of monitoring requirements by the State or EPA, you must monitor as follows:

(A) *Assessment Monitoring.* You must monitor for the contaminants on List 1 per Table 1, in paragraph (a)(3) of this section, if you serve 3,300 to 10,000 people or are notified by your State or EPA that you are part of the State

Monitoring Plan for Assessment Monitoring.

* * * * *

(3) *Analytes to be monitored.* Lists 1, 2, and 3 contaminants are provided in the following table:

TABLE 1—UCMR CONTAMINANT LIST

1—Contaminant	2—CASRN	3—Analytical methods [a]	4—Minimum reporting level [b]	5—Sampling location [c]	6—Period during which sample collection to be completed
List 1: Assessment Monitoring Per- and Polyfluoroalkyl Substances (PFAS)					
11-chloroeicosafluoro-3-oxaundecane-1-sulfonic acid (11Cl-PF3OUdS).	763051–92–9	EPA 533	0.005 µg/L	EPTDS	1/1/2023–12/31/2025.
1H, 1H, 2H, 2H-perfluorodecane sulfonic acid (8:2 FTS).	39108–34–4	EPA 533	0.005 µg/L	EPTDS	1/1/2023–12/31/2025.
1H, 1H, 2H, 2H-perfluorohexane sulfonic acid (4:2 FTS).	757124–72–4	EPA 533	0.003 µg/L	EPTDS	1/1/2023–12/31/2025.
1H, 1H, 2H, 2H-perfluorooctane sulfonic acid (6:2 FTS).	27619–97–2	EPA 533	0.005 µg/L	EPTDS	1/1/2023–12/31/2025.
4,8-dioxa-3H-perfluorononanoic acid (ADONA).	919005–14–4	EPA 533	0.003 µg/L	EPTDS	1/1/2023–12/31/2025.
9-chlorohexadecafluoro-3-oxanone-1-sulfonic acid (9Cl-PF3ONS).	756426–58–1	EPA 533	0.002 µg/L	EPTDS	1/1/2023–12/31/2025.
hexafluoropropylene oxide dimer acid (HFPO–DA) (GenX).	13252–13–6	EPA 533	0.005 µg/L	EPTDS	1/1/2023–12/31/2025.
nonafluoro-3,6-dioxaheptanoic acid (NFDHA)	151772–58–6	EPA 533	0.02 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluoro (2-ethoxyethane) sulfonic acid (PFEESA).	113507–82–7	EPA 533	0.003 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluoro-3-methoxypropanoic acid (PFMPA)	377–73–1	EPA 533	0.004 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluoro-4-methoxybutanoic acid (PFMBA)	863090–89–5	EPA 533	0.003 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluorobutanesulfonic acid (PFBS)	375–73–5	EPA 533	0.003 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluorobutanoic acid (PFBA)	375–22–4	EPA 533	0.005 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluorodecanoic acid (PFDA)	335–76–2	EPA 533	0.003 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluorododecanoic acid (PFDoA)	307–55–1	EPA 533	0.003 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluoroheptanesulfonic acid (PFHpS)	375–92–8	EPA 533	0.003 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluoroheptanoic acid (PFHpA)	375–85–9	EPA 533	0.003 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluorohexanesulfonic acid (PFHxS)	355–46–4	EPA 533	0.003 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluorohexanoic acid (PFHxA)	307–24–4	EPA 533	0.003 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluorononanoic acid (PFNA)	375–95–1	EPA 533	0.004 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluorooctanesulfonic acid (PFOS)	1763–23–1	EPA 533	0.004 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluorooctanoic acid (PFOA)	335–67–1	EPA 533	0.004 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluoropentanesulfonic acid (PFPeS)	2706–91–4	EPA 533	0.004 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluoropentanoic acid (PFPeA)	2706–90–3	EPA 533	0.003 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluoroundecanoic acid (PFUnA)	2058–94–8	EPA 533	0.002 µg/L	EPTDS	1/1/2023–12/31/2025.
n-ethyl perfluorooctanesulfonamidoacetic acid (NEtFOSAA).	2991–50–6	EPA 537.1	0.005 µg/L	EPTDS	1/1/2023–12/31/2025.
n-methyl perfluorooctanesulfonamidoacetic acid (NMeFOSAA).	2355–31–9	EPA 537.1	0.006 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluorotetradecanoic acid (PFTA)	376–06–7	EPA 537.1	0.008 µg/L	EPTDS	1/1/2023–12/31/2025.
perfluorotridecanoic acid (PFTrDA)	72629–94–8	EPA 537.1	0.007 µg/L	EPTDS	1/1/2023–12/31/2025.
Metal/Pharmaceutical					
lithium	7439–93–2	EPA 200.7, SM 3120 B, ASTM D1976–20.	9 µg/L	EPTDS	1/1/2023–12/31/2025.
List 2: Screening Survey					
Reserved	Reserved	Reserved	Reserved	Reserved	Reserved.
List 3: Pre-Screen Testing					
Reserved	Reserved	Reserved	Reserved	Reserved	Reserved.

Column headings are:

1—Contaminant: The name of the contaminant to be analyzed.

2—CASRN (Chemical Abstracts Service Registry Number) or Identification Number: A unique number identifying the chemical contaminants.

3—Analytical Methods: Method numbers identifying the methods that must be used to test the contaminants.

4—Minimum Reporting Level (MRL): The value and unit of measure at or above which the concentration of the contaminant must be measured using the approved analytical methods. If EPA determines, after the first six months of monitoring that the specified MRLs result in excessive resampling, EPA will establish alternate MRLs and will notify affected PWSs and laboratories of the new MRLs. N/A is defined as non-applicable.

5—Sampling Location: The locations within a PWS at which samples must be collected.

6—Period During Which Sample Collection to be Completed: The time period during which the sampling and testing will occur for the indicated contaminant.

[a] The analytical procedures shall be performed in accordance with the documents associated with each method, see paragraph (c) of this section.

[b] The MRL is the minimum concentration of each analyte that must be reported to EPA.

[c] Sampling must occur at your PWS's entry points to the distribution system (EPTDSs), after treatment is applied, that represent each non-emergency water source in routine use over the 12-month period of monitoring. Systems that purchase water with multiple connections from the same wholesaler may select one representative connection from that wholesaler. The representative EPTDS must be a location within the purchaser's water system. This EPTDS sampling location must be representative of the highest annual volume connections. If the connection selected as the representative EPTDS is not available for sampling, an alternate highest volume representative connection must be sampled. See 40 CFR 141.35(c)(3) for an explanation of the requirements related to the use of representative GW EPTDSs.

(4) * * *

(i) * * *

(A) *Sample collection period.* You must collect the samples in one continuous 12-month period for List 1 Assessment Monitoring, and, if applicable, for List 2 Screening Survey, or List 3 Pre-Screen Testing, during the time frame indicated in column 6 of Table 1, in paragraph (a)(3) of this section. EPA or your State will specify the month(s) and year(s) in which your monitoring must occur. As specified in § 141.35(c)(5), you must contact EPA if you believe you cannot collect samples according to your schedule.

(B) *Frequency.* You must collect the samples within the timeframe and according to the frequency specified by contaminant type and water source type for each sampling location, as specified in Table 2, in this paragraph. For the second or subsequent round of sampling, if a sample location is non-operational for more than one month before and one month after the scheduled sampling month (*i.e.,* it is not possible for you to sample within the window specified in Table 2, in this paragraph), you must notify EPA as specified in § 141.35(c)(5) to reschedule your sampling.

TABLE 2—MONITORING FREQUENCY BY CONTAMINANT AND WATER SOURCE TYPES

Contaminant type	Water source type	Timeframe	Frequency [1]
List 1 Contaminants—	Surface water, Mixed, or GWUDI.	12 months	You must monitor for four consecutive quarters. Sample events must occur three months apart. (Example: If first monitoring is in January, the second monitoring must occur any time in April, the third any time in July and the fourth any time in October).
	Ground water	12 months	You must monitor twice in a consecutive 12-month period. Sample events must occur 5–7 months apart. (Example: If the first monitoring event is in April, the second monitoring event must occur any time in September, October or November).

[1] Systems must assign a sample event code for each contaminant listed in Table 1. Sample event codes must be assigned by the PWS for each sample event. For more information on sample event codes see § 141.35(e) Table 1.

(C) *Location.* You must collect samples for each List 1 Assessment Monitoring contaminant, and, if applicable, for each List 2 Screening Survey, or List 3 Pre-Screen Testing contaminant, as specified in Table 1, in paragraph (a)(3) of this section. Samples must be collected at each sample point that is specified in column 5 and footnote c of Table 1, in paragraph (a)(3) of this section. If you are a GW system with multiple EPTDSs, and you request and receive approval from EPA or the State for sampling at representative EPTDS(s), as specified in § 141.35(c)(3), you must collect your samples from the approved representative sampling location(s).

* * * * *

(ii) *Small systems.* If you serve a population of 3,300 to 10,000 people and meet the UCMR applicability criteria specified in paragraph (a)(2)(ii) of this section, or if you serve a population of fewer than 3,300 people and are notified that you are part of the State Monitoring Plan, you must comply with the requirements specified in paragraphs (a)(4)(ii)(A) through (H) of this section. If EPA or the State informs you that they will be collecting your UCMR samples, you must assist them in identifying the appropriate sampling locations and in collecting the samples.

(A) *Sample collection and frequency.* You must collect samples at the times specified for you by the State or EPA. Your schedule must follow both the timing of monitoring specified in Table 1, List 1, and, if applicable, List 2, or List 3, and the frequency of monitoring in Table 2 of this section.

* * * * *

(5) * * *

* * * * *

(ii) * * * To participate in the UCMR Laboratory Approval Program, the laboratory must register and complete the necessary application materials by August 1, 2022. Correspondence must be addressed to: UCMR Laboratory Approval Coordinator, USEPA, Technical Support Center, 26 West Martin Luther King Drive, (MS 140), Cincinnati, Ohio 45268; or emailed to EPA at: *UCMR_Lab_Approval@epa.gov.*

(iii) *Minimum Reporting Level.* The MRL is defined by EPA as the quantitation limit achievable, with 95% confidence, by 75% of laboratories nationwide, assuming the use of good instrumentation and experienced analysts.

* * * * *

(iv) [Reserved]

(v) *Method defined quality control.* You must ensure that your laboratory analyzes Laboratory Fortified Blanks and conducts Laboratory Performance Checks, as appropriate to the method's requirements, for those methods listed in Table 1, column 3, in paragraph (a)(3) of this section. Each method specifies acceptance criteria for these QC checks.

(vi) *Reporting.* You must require your laboratory, on your behalf, to post and approve these data in EPA's electronic data reporting system, accessible at *https://www.epa.gov/dwucmr,* for your review within 90 days from the sample collection date. You then have 30 days from when the laboratory posts and approves your data to review, approve and submit the data to the State and EPA, via the Agency's electronic data reporting system. If you do not electronically approve and submit the laboratory data to EPA within 30 days of the laboratory posting approved data, the data will be considered approved by you and available for State and EPA review.

* * * * *

(c) *Incorporation by reference.* These standards are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. U.S. Environmental Protection Agency, Water Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20004 (202) 566–1744, email *Docket-customerservice@epa.gov,* or go to *https://www.epa.gov/dockets/epa-docket-center-reading-room..* The material is also available for inspection 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 *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(1) U.S. Environmental Protection Agency, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20004.

(i) Method 200.7 ''Determination of Metals and Trace Elements in Water and Wastes by Inductively Coupled Plasma-Atomic Emission Spectrometry,''

Revision 4.4, EMMC Version, 1994. Available on the internet at *https://www.epa.gov/esam/method-2007-determination-metals-and-trace-elements-water-and-wastes-inductively-coupled-plasma.*

(ii) Method 537.1 ''Determination of Selected Per- and Polyfluorinated Alkyl Substances in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry,'' Version 2.0, 2020. Available on the internet at *https://www.epa.gov/water-research/epa-drinking-water-research-methods.*

(iii) Method 533 ''Determination of Per- and Polyfluoroalkyl Substances in Drinking Water by Isotope Dilution Anion Exchange Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry,'' November 2019, EPA 815–B–19–020. Available on the internet at *https://www.epa.gov/dwanalyticalmethods.*

(2) American Public Health Association, 800 I Street NW, Washington, DC 20001–3710.

(i) ''Standard Methods for the Examination of Water & Wastewater,'' 23rd edition (2017).

(A) SM 3120 B ''Metals by Plasma Emission Spectroscopy (2017): Inductively Coupled Plasma (ICP) Method.''

(B) [Reserved]

(ii) The following methods are from ''Standard Methods Online.'' Available for purchase on the internet at *https://www.standardmethods.org.*

(A) SM 3120 B ''Metals by Plasma Emission Spectroscopy: Inductively Coupled Plasma (ICP) Method (Editorial Revisions, 2011),'' (SM 3120 B–99)

(B) [Reserved]

(3) ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959.

(i) ASTM D1976–20 ''Standard Test Method for Elements in Water by Inductively-Coupled Plasma Atomic Emission Spectroscopy,'' approved May 1, 2020. Available for purchase on the internet at *https://www.astm.org/Standards/D1976.htm.*

(ii) [Reserved]

[FR Doc. 2021–03920 Filed 3–10–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 51c

RIN 0906–AB25

Implementation of Executive Order on Access to Affordable Life-Saving Medications; Delay of Effective Date

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Proposed delay of effective date; request for comments.

SUMMARY: In accordance with the Presidential directive as expressed in the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' this action proposes, following a 5-day public comment period, to further delay until July 20, 2021, the effective date of the rule entitled ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' published in the **Federal Register** on December 23, 2020. That final rule is currently scheduled to take effect on March 22, 2021, after an initial delay from its original effective date of January 22, 2021. HHS seeks comments on this proposed delay of the effective date to July 20, 2021, which would allow it additional opportunity for review and consideration of the new rule. HHS will take comments about issues of fact, law, and policy raised by rule into account as the rule is reviewed during the delay period.

DATES: The effective date for the final rule published December 23, 2020, at 85 FR 83822, delayed January 26, 2021, at 86 FR 7059, is proposed to be further delayed until July 20, 2021. Written comments and related material to this proposal must be received to the online docket via *https://www.regulations.gov* on or before March 14, 2021.

ADDRESSES: You may submit written comments electronically by the following method: *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions on the website for submitting comments.

Instructions. Include the HHS Docket No. HRSA–2021–0002 in your comments. All comments received will be posted without change to *http://www.regulations.gov.* Please do not include any personally identifiable or confidential business information you do not want publicly disclosed.

FOR FURTHER INFORMATION CONTACT: Jennifer Joseph, Director, Office of Policy and Program Development, Bureau of Primary Health Care, HRSA, 5600 Fishers Lane, Rockville, MD 20857; by email at *jjoseph@hrsa.gov;* telephone: 301–594–4300; fax: 301–594–4997.

SUPPLEMENTARY INFORMATION: HHS published a notice of proposed rulemaking in the **Federal Register** on September 28, 2020 (85 FR 60748), and a final rule on December 23, 2020 (85 FR 83822), delayed on January 26, 2021, at 86 FR 7069. The final rule, ''Implementation of Executive Order on Access to Affordable Life-Saving Medications,'' established a new requirement directing all health centers receiving grants under section 330(e) of the Public Health Service Act (42 U.S.C. 254b(e)) that participate in the 340B Drug Pricing Program (340B Program) (42 U.S.C. 256b), to the extent that they plan to make insulin and/or injectable epinephrine available to their patients, to provide assurances that they have established practices to provide these drugs at or below the discounted price paid by the health center or subgrantees under the 340B Drug Pricing Program (plus a minimal administration fee) to health center patients with low incomes, as determined by the Secretary, who have a high cost sharing requirement for either insulin or injectable epinephrine; have a high unmet deductible; or have no health insurance.

The January 20, 2021, memorandum from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' instructed Federal agencies to consider delaying the effective date of rules published in the **Federal Register**, but which have not yet taken effect, for a period of 60 days so that the new Administration may review recently published rules for ''any questions of fact, law, and policy the rule may raise.'' The ''Implementation of Executive Order on Access to Affordable Life-Saving Medications'' rule falls within this category. On January 20, 2021, the Office of Management and Budget (OMB) also published OMB Memorandum M–21–14, Implementation of Memorandum Concerning Regulatory Freeze Pending Review, which provides guidance regarding the Regulatory Freeze Memorandum. See M–21–14, Implementation of Memorandum Concerning Regulatory Freeze Pending Review, *https://www.whitehouse.gov/wp-content/uploads/2021/01/M-21-14-Regulatory-Review.pdf.* OMB Memorandum M–21–14 explains that pursuant to the Regulatory Freeze Memorandum, agencies ''should

consider postponing the effective dates for 60 days and reopening the rulemaking process'' for ''rules that have not yet taken effect and about which questions involving law, fact, or policy have been raised.'' *Id.* In accordance with the Regulatory Freeze Memorandum and OMB M–21–14, HHS proposes to delay the effective date of the December 23, 2020, final rule entitled ''Implementation of Executive Order on Access to Affordable Life-saving Medications'' to July 20, 2021.

In addition, consistent with Regulatory Freeze Memorandum and OMB Memorandum M–21–14, the delay of the final rule would provide HHS additional time to review and consider further, questions of fact, law, and policy the rule may raise, including whether revision or withdrawal of the rule may be warranted. HHS is particularly interested in further consideration of previous comments regarding the impact of the rule's administrative requirements, costs of new processes and procedures that would be necessary under the rule, the impact of the establishment of a new income eligibility threshold for health center operations, and the overall impact on care delivery and service levels for health center patients. HHS is also interested in further review of the comments acknowledged in the final rule and additional information regarding these areas received by HHS subsequent to the issuance of the final rule. Specifically, comments acknowledged in the final rule expressed the concern that the rule would have the impact of (1) dramatically reducing 340B savings for health centers, (2) likely increasing the cost of life-saving medications nationwide, and (3) creating enormous administrative burdens for health centers, specifically because the NPRM proposed defining ''low-income'' as at or below 350 percent of the Federal Poverty Level (FPL), a different income threshold than the 200 percent of FPL used by the Health Center Program to apply statutory requirements for sliding fee discount schedules under the Health Center Program's authorizing statute.

HHS believes that the proposed delay is reasonable, would allow HHS time to receive public comment, and would not be disruptive since the underlying rule has not yet taken effect, and since neither HHS nor health centers have undertaken the administrative costs associated with implementation of the final rule.

HHS seeks comment on the proposed delay, including the proposed delay's impact on any legal, factual, or policy issues raised by the underlying rule and whether further review of those issues warrants such a delay. HHS also will consider comments on the substance of the rule as the rule is reviewed during the delay period. HHS therefore seeks comment by March 14, 2021, on its proposal to extend the effective date to July 20, 2021.

Norris Cochran,

Acting Secretary, Department of Health and Human Services.

[FR Doc. 2021–05165 Filed 3–9–21; 4:15 pm]

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Notices

Federal Register
Vol. 86, No. 46
Thursday, March 11, 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

Agricultural Marketing Service

[Doc. No. AMS–SC–20–0096, SC–20–327]

Revision of U.S. Standards for Grades of Watermelons

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) proposes to revise the U.S. Standards for Grades of Watermelons. The proposed changes would provide a common language for trade of watermelons.

DATES: Comments must be submitted on or before May 10, 2021.

ADDRESSES: Interested persons are invited to submit written comments to the USDA, Specialty Crops Inspection Division, 100 Riverside Parkway, Suite 101, Fredericksburg, VA 22406; fax: (540) 361–1199; or at *www.regulations.gov.* Comments should reference the date and page numbers of this issue of the **Federal Register**. Comments will be posted without change, including any personal information provided. All comments received within the comment period will become part of the public record maintained by the Agency and will be made available to the public via *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: David G. Horner, at the address above, by phone (540) 361–1128; fax (540) 361–1199; or email *Dave.Horner@usda.gov.* Copies of the proposed U.S. Standards for Watermelons are available at *http://www.regulations.gov.* Copies of the current U.S. Standards for Grades of Watermelons are available on the AMS website at *www.ams.usda.gov/grades-standards/fruits.*

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.''

AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The U.S. Standards for Grades of Fruits and Vegetables that no longer appear in the Code of Federal Regulations are maintained by AMS at: *http://www.ams.usda.gov/grades-standards.* AMS is proposing revisions to these U.S. Standards for Grades using the procedures that appear in part 36 of Title 7 of the Code of Federal Regulations (7 CFR part 36).

Background

On October 22, 2019, the National Watermelon Association (NWA), a trade association representing growers, retailers, and shippers, from 30 U.S. states, Canada, and Central America, petitioned the USDA to revise the watermelon standards and update the official USDA visual aids library. AMS worked closely with the NWA throughout the development of the proposed revisions, soliciting their comments and suggestions about the standards through discussion drafts and presentations. Through this collaboration, AMS also developed and issued four new watermelon visual aids. On November 20, 2020, the NWA approved the proposed revisions which are as follows:

- § 51.1973 Tolerances: For defects at shipping point, en route, or at destination for the U.S. No. 1 and U.S. No. 2 grades, the standards currently provide separate tolerances for Anthracnose and decay. Anthracnose lesions on watermelon result in loss of marketability. Due to the severity of this defect, industry requested the tolerance section be revised to reduce the amount of Anthracnose permitted in each grade. The proposed revisions will remove the 3% tolerance for Anthracnose at shipping point and remove the 5% tolerance for Anthracnose en route or at destination. The tolerance for decay would be revised to establish a total tolerance of 1% and 2% respectively for shipping point and en route or at destination for Anthracnose and decay.
- § 51.1976 Size: The current standard shows average weights of watermelons ranging from 20 to 42 pounds. Smaller watermelons are much more common in the marketplace than was once the case, so AMS is proposing to align weights with current marketing trends by adjusting the average weights to 10 to 34 pounds.
- § 51.1985 Permanent defects and § 51.1986 Condition defects: The current standard lists sunburn as a condition defect, primarily based on the past practice of shipping watermelons in open top trailers. Today, watermelons are generally shipped in enclosed trailers. Melons generally only have sunburn due to exposure in the field. Therefore, AMS proposes to remove sunburn as a condition defect and add sunburn as a permanent defect.
- § 51.1978 and § 51.1982: In § 51.1978, AMS proposes to correct the typo in the definition for fairly well formed to read ''the perfect type for the variety'' instead of ''the perfect type of the variety.'' In § 51.1982, AMS proposes to add the missing heading identifying the definition: ''Seedless watermelons.''
- § 51.1987 Classification of defects: AMS proposes to base the scoring guides for sunburn, hail, rind worm injury, scars (and other similar defects), and transit rubs on a 15-pound melon instead of a 25-pound melon, again reflecting that smaller melons are prevalent in today's markets. The most common size melon sold in the market is 15 pounds, followed by 11 and 18 pounds. In addition, at industry's request, AMS proposes to base the scoring guide for hollow heart on any size melon instead of 25 pounds. Lastly, also at industry's request, AMS proposes to limit the scoring of rind worm injury on the ground spot. Consumers tend not to purchase a watermelon based only on the ground spot or any rind worm injury that might be on it. Therefore, AMS proposes that rind worm injury occurring on the ground spot is only scorable under the definition of damage when seriously detracting from the appearance of the melon; rind worm injury occurring on

the ground spot is not scorable as serious damage.

• AMS proposes to remove all metric measurements from the standards. The U.S. watermelon industry does not use metrics and finds them a distraction in the standards.

The proposed revisions will ensure the standards align with current marketing trends.

A 60-day period is provided for interested persons to submit comments on the proposed grade standards. Copies of the proposed revised U.S. Standards for Grades of Watermelons are available at *http://www.regulations.gov.* After the 60-day comment period, AMS will proceed in accordance with 7 CFR 36.3(a)(1–3).

Authority: 7 U.S.C. 1621–1627.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2021–05044 Filed 3–10–21; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 8, 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 April 12, 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.

Animal and Plant Health Inspection Service

Title: Foot-and-Mouth Disease; Prohibition on Importation of Farm Equipment.

OMB Control Number: 0579–0195.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. (The AHPA is contained in Title X, Subtitle E, Sections 10401–18 of Public Law 107–171, May 13, 2002, the Farm Security and Rural Investment Act of 2002, and can be found at 7 U.S.C. 8301 *et. seq.*) It gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary may also prohibit or restrict import or export of any animal or related material if necessary, to prevent the spread of any livestock or poultry pest or disease.

As a result of the occurrences of foot-and-mouth disease (FMD) in different parts of the world, under 9 CFR 94.1(c) APHIS prohibits the importation of all used farm equipment into the United States from regions in which FMD exists, unless the exporter provides certification signed by an authorized official of the national animal health service of the exporting region stating that the equipment, after its last use and prior to export, has been steam-cleaned free of all exposed dirt and particulate material in the exporting region. APHIS inspects all such farm equipment to ensure it complies with the regulations.

Need and Use of the Information: APHIS will collect information through the use of a certification statement completed by the farm equipment exporter and signed by an authorized official of the national animal health service of the region of origin, stating that the steam-cleaning of the equipment was done prior to export to the United States. This is necessary to help prevent the introduction of FMD into the United States. If the information were not collected APHIS would be not be able to determine risk associated with importing farm equipment and would be forced to stop the importation of used farm equipment from FMD affected regions. This could financially impact exporters and importers of the equipment.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 79.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,159.

Animal Plant and Health Inspection Service

Title: Self Certification Medical Statement.

OMB Control Number: 0579–0196.

Summary of Collection: The United States Department of Agriculture is responsible for ensuring consumers that food and farm products are moved from producer to consumer in the most efficient, dependable, economical, and equitable system possible. Each year, the United States Department of Agriculture's Marketing and Regulatory Programs (MRP) agency hires individuals for commodity grading and inspection positions to ensure this process is efficient and effective. These positions often involve arduous conditions and require direct contact with meat, dairy, fresh or processed fruits and vegetables, and poultry intended for human consumption; and cotton and tobacco products intended for consumer use. 5 CFR part 339 authorizes an agency to request medical information from an applicant that may assist management with employment decisions concerning covered positions that have specific medical or physical fitness requirements. APHIS will collect the applicant's medical information using MRP Form 5 (Self-Certification Medical Statement).

Need and Use of the Information: The information collected from prospective employees assists MRP officials, administrative personnel, and servicing Human Resources Offices in determining an applicant's physical fitness and suitability for employment in positions with approved medical standards and physical requirements. If the information was not collected, APHIS would not be able to accurately determine the applicant's fitness to safely perform the duties of the covered positions.

Description of Respondents: Individuals.

Number of Respondents: 1,826.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 306.

Animal Plant and Health Inspection Service

Title: Commercial Transportation of Equines for Slaughter.

OMB Control Number: 0579–0332.

Summary of Collection: Section 901–905 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901) authorize the Secretary of Agriculture to issue guidelines for regulating the commercial transportation of equine for slaughter, by persons regularly engaged in that activity within the United States. Specifically, the Secretary is authorized to regulate the food, water, and rest provided to the equines equines while they are in transit and to review related issues be appropriate to ensuring that these animals are treated humanely. To implement the provisions of this Act, the Veterinary Services program of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) has established minimum standards to ensure the humane movement of equines for slaughter.

Need and Use of the Information: APHIS will collect information in the form of owner-shipper certificates of fitness to travel to slaughter facility; certificate of veterinary inspection; application of backtags; collection of business information on any person found to be transporting horses to a slaughtering facility; and recordkeeping. The collected information is use to ensure that equines being transported for slaughter receive adequate food, water, and rest and are treated humanely. If the information was collected less frequently or not collected, APHIS' ability to ensure that equines destined for slaughter are treated humanely would be significantly hampered.

Description of Respondents: Business or other for profit, Individuals or Households, and Federal Government.

Number of Respondents: 332.

Frequency of Responses: Reporting: On occasion ; Recordkeeping, and Third-Party Disclosure:

Total Burden Hours: 8,608.

Animal and Plant Health Inspection Service

Title: National Veterinary Services Laboratories Request Forms.

OMB Control Number: 0579–0430.

Summary of Collection: The Animal Health Protection Act (7 U.S.C. 8301–8317) provides the Secretary of Agriculture broad authority to prohibit or restrict, through orders and regulations, the importation or entry of any animal, article, or means of conveyance if USDA determines that the prohibition or restriction is necessary to prevent the introduction or spread of any pest or disease of livestock within the United States. Disease prevention is the most effective method for maintaining a healthy animal population.

In connection with this disease prevention mission, the Animal and Plant Health Inspection Service (APHIS) National Veterinary Services Laboratories (NVSL) safeguard U.S. animal health and contribute to public health by ensuring that timely and accurate laboratory support is provided by their nationwide animal health diagnostic system.

Need and Use of the Information: APHIS will collect information using VS Form 4–9, Request for Reagents or Supplies; VS Form 4–10, NVSL Customer Contact Update; and VS Form 4–11, NVSL Application for Laboratory Training and; VS Form 12, NVSL Laboratories Kit and Instrument Order form. These forms are used to safeguard the U.S. animal population from pests and diseases. If the information was collected less frequently or not collected, APHIS would be unable to process reagent orders or provide requested training.

Description of Respondents: Foreign Federal Government; Individuals or households; Businesses; State, Local or Tribal Government.

Number of Respondents: 1,115.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,223.

Animal and Plant Health Inspection Service

Title: Standardizing Phytosanitary Treatment Regulations: Approval of Cold Treatment and Irradiation Facilities; Cold Treatment Schedules; Establishment of Fumigation and Cold Treatment Compliance Agree.

OMB Control Number: 0579–0450.

Summary of Collection: The United States Department of Agriculture (USDA) is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of pests and noxious weeds not widely distributed into the United States, and eradicating those imported pests when eradication is feasible. The Plant Protection Act (7 U.S.C. 7701—*et seq.*) authorizes the Department to carry out this mission. Under the Plant Protection Act, the Animal and Plant Health Inspection Service (APHIS) is authorized, among other things, to regulate the importation of plants, plant products, and other articles to prevent the introduction of plant pests into the United States. The phytosanitary treatment regulations established generic criteria that allows for the approval of new cold treatment and irradiation facilities; cold treatment schedules; and the establishment of fumigation and cold treatment compliance agreements.

Need and Use of the Information: APHIS will collect information using PPQ form 519, Compliance Agreements, PPQ form 530, Limited Permit and other collection activities to provide generic criteria for new cold treatment and irradiation facilities, cold treatment schedules, and the establishment of fumigation and cold treatment compliance agreements.

Description of Respondents: Business or other for profit, State, Local, and Tribal Government; Federal Government (Foreign).

Number of Respondents: 92.

Frequency of Responses: Reporting; Annually.

Total Burden Hours: 196.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–05055 Filed 3–10–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 19–BIS–0001]

In the Matter of: Alexander Brazhnikov, Jr., Respondent; Final Decision and Order

This matter is before me upon a Recommended Decision and Order on Sanction (''Sanction RDO'') of an Administrative Law Judge (''ALJ''). On January 26, 2021, the ALJ referred the Sanction RDO to me pursuant to 15 CFR 766.17(b)(2). In the Sanction RDO, the ALJ found that Respondent Alexander Brazhnikov, Jr. (''Respondent'') violated 15 CFR 764.2(d) by conspiring with others to violate the Export Administration Regulations (currently codified at 15 CFR parts 730–774) (''EAR'' or ''Regulations'') by exporting regulated items to Russian End-Users on the Entity List without the required licenses. The ALJ recommended that a denial of export privileges for 15 years be assessed against Respondent. For the reasons set forth below, I affirm the Sanction RDO and issue the attached Order imposing sanction.

As described in further detail below, on April 21, 2020, in this same case, the ALJ issued an Order Partially Granting Motion for Summary Decision (''Summary Decision Order'') in which he found that Respondent had violated the EAR. The ALJ attached the Summary Decision Order to the

Sanction RDO. I affirm the Summary Decision Order as well.

I. Background

A. Respondent's Criminal Conviction

On June 11, 2015, Respondent pled guilty to a three-count Criminal Information in the U.S. District Court for the District of New Jersey. Count Three charged Respondent with conspiracy to willfully export from the United States to Russia electronic components under the jurisdiction of the Department of Commerce without first having obtained the required licenses from the Department of Commerce, in violation of 18 U.S.C. 371. The object of the conspiracy was to evade the EAR by supplying controlled electronics components to Russian end-users, including defense contractors licensed to procure parts for the Russian military, the Federal Security Service of the Russian Federation (FSB), and Russian entities involved in the design of nuclear weapons and tactical platforms. The overt acts alleged in furtherance of the conspiracy included that on or about November 20, 2013, and on or about April 23, 2014, Respondent and his co-conspirators caused the export of electronic components obtained from certain U.S. manufacturers to Russia on behalf of ''a banned entity for which no export license could have lawfully been obtained.'' Respondent specifically admitted to engaging in these overt acts as part of his plea allocution.

B. BIS Charging Letter

In a Charging Letter filed on April 22, 2019, the Bureau of Industry and Security (''BIS'') alleged that Respondent committed one violation of the EAR, stemming from his involvement in a conspiracy to violate the Regulations in connection with the export to Russia of U.S.-origin electronic components and other items subject to the Regulations. The violation alleged in the charging letter is as follows: [1]

Charge 1 15 CFR 764.2(d)—Conspiracy

1. Beginning in at least January 2008, and continuing through at least June 2014, Brazhnikov conspired and acted in concert with others, known and unknown, to bring about acts that constitute violations of the Regulations. The purpose of the conspiracy was to evade the Regulations in connection with the export to Russia of U.S.-origin electronic components and other items subject to the Regulations, including to Russian entities on BIS's Entity List, Supplement No. 4 to Part 744 of the Regulations.

2. Brazhnikov pled guilty in the U.S. District Court for the District of New Jersey on June 11, 2015, to having conspired to violate the International Emergency Economic Powers Act (''IEEPA'') (in violation of 18 U.S.C. 371), as well as to having conspired to smuggle goods from the United States (in violation of 18 U.S.C. 554) and to commit money laundering (in violation of 18 U.S.C. 1956(h)).[2]

3. Brazhnikov admitted under oath as part of his plea allocution that he and his co-conspirators acquired U.S.-origin electronic components and other items while routinely concealing from the U.S. manufacturers and distributors of the items who the intended end users were and where they were located.

4. Brazhnikov admitted under oath to further concealing the actual intended end users in an attempt to avoid detection by the U.S. Government, including by re-packaging and re-labeling the items and then having them shipped to various falsely-identified recipients and false addresses in Russia, some of which were vacant apartments or storefronts controlled by his Russian co-conspirators. If Brazhnikov had exported the items directly to a recipient or address on BIS's Entity List, it raised the possibility that the shipment would have been flagged or stopped by the U.S. Government. He also admitted that he and his Russian co-conspirators established a number of foreign bank accounts in third countries in the names of front companies, in order to conceal from the U.S. Government, the source of the funds and the identities of the end-users. Brazhnikov would receive funds laundered through these front accounts in third countries, rather than directly from the end users in Russia.

5. Brazhnikov also admitted under oath to having systematically falsified shipping documents to understate the value of the U.S.-origin items he was exporting, in order to evade the requirement to file Electronic Export Information (''EEI'') with the U.S. Government via the Automated Export System (''AES''). An EEI filing was required to be made in the AES for each export of items subject to the Regulations when the value of the items under a single Schedule B or Harmonized Tariff Schedule number is more than $2,500. 15 CFR 758.l (2008–2014); *see also* 15 CFR 30.37 (2008–2014).[3]

6. Brazhnikov's overt acts in furtherance of the conspiracy also included, *inter alia,* exporting U.S.-origin electronic components subject to the Regulations to the All-Russian Scientific Research Institute of the Technical Physics (''VNIITF'') in Russia, without the required BIS licenses, on or about November 20, 2013, and on or about April 23, 2014, respectively.[4] These items were designated EAR99 [5] under the Regulations and valued at approximately $26,732 and $19,937, respectively.

7. VNIITF was at all times relevant hereto listed on the Entity List, Supplement No. 4 to Part 744 of the Regulations.[6] Pursuant to Section 744.11 of the Regulations and VNIITF's Entity List entry, a BIS export license was at all relevant times required to export any item subject to the Regulations to VNIITF, including the electronic components described in Paragraph 6, *supra.*[7]

8. Brazhnikov engaged in the unlicensed exports described above knowing that that [sic] no BIS export license had been sought or obtained. He continued to do so, moreover, even after though [sic] BIS Special Agents conducted an outreach visit with him on or about January 23, 2013, during which the Special Agents discussed, inter alia, both the licensing requirements for exports to Russia and EEI filing requirements.

9. In so doing, as alleged in Paragraphs 1–8, *supra,* Brazhnikov violated Section 764.2(d) of the Regulations.

C. Summary Decision Order

On December 16, 2019, BIS filed a motion for summary decision pursuant to 15 CFR 766.8. BIS argued that as a result of Respondent's criminal conviction for Count Three, there was no genuine issue of material fact as to whether he had violated the EAR as alleged in the Charging Letter, and that BIS was entitled to a summary decision as a matter of law.[8] On February 10, 2020, Respondent filed an opposition to the motion.

On April 21, 2020, the ALJ issued the Summary Decision Order. The ALJ determined that BIS had met its burden to show that there was no genuine issue

[1] Unless otherwise indicated, I have reproduced the violation alleged in the Charging Letter exactly as it is written. It includes all of the footnotes in the charging section. The numbering of the footnotes is different because the Charging Letter had additional footnotes prior to the charging section.

[2] Brazhnikov pled guilty to all three counts of the Criminal Information in Case No. 2:15–CR–300–01 (D. N.J.). [The remainder of the footnote references an earlier footnote in the Charging Letter that was not part of the charging section.]

[3] A Schedule B number is a ten-digit number used in the United States to classify physical goods for export to another country.

[4] These two transactions were among the overt acts specifically alleged in Count Three (Conspiracy to Violate IEEPA) of the Criminal Information to which Brazhnikov pled guilty in the U.S. District Court for the District of New Jersey . . . . Brazhnikov admitted under oath that he was the owner, chief executive officer, and principal operator of the following four New Jersey-based companies—ABN Universal, Inc., ZOND–R, Inc., Telecom Multipliers, and Electronic Consulting, Inc.—and that these companies were used in furtherance of the conspiracy.

[5] The items were designated EAR99 under the Regulations, which is a designation for items subject to the Regulations but not listed on the Commerce Control List. 15 CFR 772.1.

[6] VNIITF has been on the Entity List since June 30, 1997. 62 FR 35,334 (Jun. 30, 1997). The VNIITF Entity List listing has at all times relevant hereto included VNIITF's full name, the ''VNIITF'' acronym, and various VNIITF aliases (and related acronyms), including the Federal State Unitary Enterprise Russian Federal Nuclear Center—Academician E.I. Zababkhin All-Russian Scientific Research Institute of Technical Physics (''FGUPRFYaTs-VNIITF''). FGUPRFYaTs-VNIITF was added to the listing as an alias of VNIITF on December 17, 2010. 75 FR 78,883 (Dec. 17, 2010).

[7] See 15 CFR 744.11 and Supplement No. 4 to part 744 of the Regulations (2008–2014).

[8] In its Motion, BIS attached a copy of the Criminal Information, Plea Agreement, Transcript of Plea Hearing, and Judgment. Pursuant to 15 CFR 766.22(c), I have considered these documents in my review.

of material fact as to the allegations supporting the violation alleged in the charging letter, and accordingly found that Respondent violated 15 CFR 764.2(d). As BIS had not argued for a particular sanction in its motion, the ALJ ordered the parties to submit written briefs stating their position as to an appropriate sanction. The ALJ did not certify his ruling in the Summary Decision Order to the Under Secretary for final decision.

D. Sanction RDO

On May 29, 2020, BIS submitted a brief requesting that the ALJ recommend that Respondent's export privileges be denied for at least 15 years. On that same day, Respondent filed a brief arguing that a six-month denial period was appropriate.

On January 26, 2021, the ALJ issued the Sanction RDO recommending a 15-year denial period. In the Sanction RDO, the ALJ again found that Respondent had violated 15 CFR 764.2. As previously stated, the Sanction RDO incorporated the Summary Decision Order as an attachment. The ALJ referred the Sanction RDO to me for review and final decision.

II. Review by Under Secretary

A. Introduction

Under Section 766.17(b)(2) of the EAR, in proceedings such as this one, the ALJ shall issue a recommended decision that includes recommended findings of fact, conclusions of law, and findings as to whether there has been a violation of the EAR or any order, license or authorization issued thereunder. If the ALJ finds that one or more violations have been committed, the ALJ shall recommend an order imposing administrative sanctions, or such other action as the ALJ deems appropriate. The ALJ must also ''immediately certify'' the record to the Under Secretary for a final decision in accordance with Section 766.22 of the EAR.

The Under Secretary shall issue a written order affirming, modifying or vacating the recommended decision and order of the ALJ based on the written record for decision, including the transcript of any hearing, and any submissions by the parties concerning the recommended decision. 15 CFR 766.22(c).

On February 5, 2021, I issued a notice to the parties clarifying that my review of this case would include both the Sanction RDO and the incorporated Summary Decision Order and, taking note that Respondent had been representing himself, gave the parties additional time, until February 17, 2021, to respond to both decisions.

B. Submissions of the Parties in Response to the ALJ's Decisions and Orders

On February 17, 2021, BIS submitted a response recommending that I find that Respondent had violated the EAR and affirm the recommended sanction. Respondent did not submit a response or a reply to the BIS response.

C. Review of Summary Decision Order and Sanction RDO

In the Summary Decision Order and again in the Sanction RDO, the ALJ correctly found that ''[b]etween January 2008 through June 2014, Respondent violated 15 CFR 764.2(d) by conspiring with others to violate the EAR by exporting regulated items to Russian end-users on BIS' Entity List without the required licenses.'' Respondent, in pleading guilty to Count Three of the Information, admitted to all of the material facts alleged in the Charging Letter. The District Court, in accepting the Defendant's guilty plea, determined that there was a factual basis to support the plea. See Fed. R. Crim. P. 11(b)(3) (''Before entering judgment on a guilty plea, the court must determine that there is a factual basis for the plea.'').

As the ALJ concluded in the Summary Decision Order, under the doctrine of collateral estoppel, Respondent cannot challenge the underlying facts that he admitted to in his criminal case. *See SEC.* v. *Bilzerian,* 29 F.3d 689, 694 (D.C. 1994) (''[C]ollateral estoppel prohibits relitigation of an issue of fact or law that has been decided in earlier litigation.''). In this case, the Charging Letter included underlying facts from Respondent's criminal case that establish as a matter of law that Respondent violated Section 764.2(d).

The Sanction RDO recommended an order imposing a denial of export privileges for 15 years as a penalty against Respondent. In recommending this penalty, the ALJ noted the years-long scheme, the sophisticated effort to evade detection, the deliberateness of the violation, and that the end-user for the transactions described in the Charging Letter was an organization on BIS's Entity List that poses a risk to U.S. national security. The ALJ's analysis in support of the recommended sanction was well-reasoned and persuasive. I agree with his determination that a 15-year denial of export privileges is appropriate.

III. Conclusion and Final Order

Based on my review of the written record and for the reasons described above, I affirm the recommended finding in the Summary Decision Order and Sanction RDO that Respondent violated the EAR as alleged in the Charging Letter, and affirm the recommended sanction of a 15-year denial of export privileges in the Sanction RDO.

Accordingly, it is therefore ordered:

FIRST, that for a period of Fifteen (15) years from the date that this Order is published in the **Federal Register**, Alexander Brazhnikov, Jr., with a last known address of 234 Central Avenue, Mountainside, New Jersey 07092, and when acting for or on his behalf, his successors, assigns, representatives, agents, or employees (hereinafter collectively referred to as ''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 EAR, or in any other activity subject to the EAR, 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 EAR, or engaging in any other activity subject to the EAR; 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 EAR, or from any other activity subject to the EAR.

SECOND, that 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 EAR;

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 EAR 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 EAR that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the EAR 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 EAR 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 EAR 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, after notice and opportunity for comment as provided in Section 766.23 of the EAR, any person, firm, corporation, or business organization related to the Denied Person 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.

FOURTH, that this Order shall be served on Alexander Brazhnikov, Jr. and on BIS, and shall be published in the **Federal Register**. In addition, the ALJ's Summary Decision Order and the Sanction RDO described above, shall also be published in the **Federal Register**, except for the section with the Recommended Order in the Sanction RDO.

This Order, which constitutes the final agency action in this matter, is effective upon publication in the **Federal Register**.

Dated: March 5, 2021.

Jeremy Pelter,

Senior Advisor for Policy and Program Integration, Performing the Nonexclusive Functions and Duties of the Under Secretary of Commerce for Industry and Security.

United States of America

Department of Commerce

Bureau of Industry and Security

In the Matter of: Alexander Brazhnikov, Jr., Respondent

Docket No. 19–BIS–0001

Recommended Decision and Order on Sanction

Issued: January 26, 2021

Issued By: Hon. Michael J. Devine, Presiding

Appearances

For the Bureau of Industry and Security

Gregory Michelsen, Esq., Opher Shweiki, Esq., Deborah A. Curtis, Esq., U.S. Department of Commerce, Room H–3839, 14th Street & Constitution Ave. NW, Washington, DC 20230

For Respondent

Alexander Brazhnikov, Jr., *pro se,* 234 Central Ave., Mountainside, NJ 07092

I. Procedural History

This case arises from Alexander Brazhnikov, Jr.'s (Respondent) violation of the Export Administration Regulations (EAR or Regulations). Prior to the institution of this administrative proceeding, Respondent pled guilty in the U.S. District Court for the District of New Jersey on June 11, 2015, to, *inter alia,* having conspired to violate the International Emergency Economic Powers Act (IEEPA), the statutory scheme that gave effect to the EAR.[9]

On April 22, 2019, the Bureau of Industry and Security (BIS or Agency) initiated this administrative proceeding by issuing a Charging Letter against Respondent alleging one violation, conspiracy to violate the EAR, under 15 CFR 764.2(d). The charge read as follows:

Charge 1 15 CFR 764.2(d)—Conspiracy

1. Beginning in at least January 2008, and continuing through at least June 2014, Brazhnikov conspired and acted in concert with others, known and unknown, to bring about acts that constitute violations of the Regulations. The purpose of the conspiracy was to evade the Regulations in connection with the export to Russia of U.S.-origin electronic components and other items subject to the Regulations, including to Russian entities on BIS' Entity List, Supplement No. 4 to Part 744 of the Regulations.

2. Brazhnikov pled guilty in the U.S. District Court for the District of New Jersey on June 11, 2015, to having conspired to violate the International Emergency Economic Powers Act (''IEEPA'') (in violation of 18 U.S.C. 371), as well as to having conspired to smuggle goods from the United States (in violation of 18 U.S.C. 554) and to commit money laundering (in violation of 18 U.S.C. 1956(h)).

3. Brazhnikov admitted under oath as part of his plea allocution that he and his co-conspirators acquired U.S.-origin electronic components and other items while routinely concealing from the U.S. manufacturers and distributors of the items who the intended end users were and where they were located.

4. Brazhnikov admitted under oath to further concealing the actual intended end users in an attempt to avoid detection by the U.S. Government, including by re-packaging and re-labeling the items and then having them shipped to various falsely-identified recipients and false addresses in Russia, some of which were vacant apartments or storefronts controlled by his Russian co-conspirators. If Brazhnikov had exported the items directly to a recipient or address on BIS' Entity List, it raised the possibility that the shipment would have been flagged or stopped by the U.S. Government. He also admitted that he and his Russian co-conspirators established a number of foreign bank accounts in third countries in the names of front companies, in order to conceal from the U.S. Government, the source of the funds and the identities of the end-users. Brazhnikov would receive funds laundered through these front accounts in third countries, rather than directly from the end users in Russia.

5. Brazhnikov also admitted under oath to having systematically falsified shipping documents to understate the value of the U.S.-origin items he was exporting, in order to evade the requirement to file Electronic Export Information (''EEI'') with the U.S. Government via the Automated Export System (''AES''). An EEI filing was required to be made in the AES for each export of items subject to the Regulations when the value of the items under a single Schedule B or Harmonized Tariff Schedule number is more than $2,500. 15 CFR 758.1 (2008–2014; *see also* 15 CFR 30.37 (2008–2014).

6. Brazhnikov's overt acts in furtherance of the conspiracy also included, *inter alia,* exporting U.S.-origin electronic components subject to the Regulations to the All-Russian Scientific Research Institute of the Technical Physics (''VNIITF'') in Russia, without the required BIS licenses, on or about November 20, 2013, and on or about April 23, 2014, respectively. These items were designated EAR99 under the Regulations and valued at

[9] The Export Administration Regulations, 15 CFR parts 730–774, were promulgated under the Export Administration Act of 1979 (''EAA''), formerly codified at 50 U.S.C. 4601–4623. The offenses in this case occurred between January 2008 and June 2014. Although the EAA had expired prior to 2008, the President, through Executive Order 13,222 of August 17, 2001, and through successive Presidential Notices, continued the EAR in full force and effect under the International Emergency Economic Powers Act (''IEEPA''), codified at 50 U.S.C. 1701, *et seq.* Accordingly, at the time the offenses occurred, BIS had jurisdiction over this matter pursuant to the IEEPA and the EAR. The EAA was repealed in 2018, with the enactment of the Export Control Reform Act (''ECRA''). *See* 50 U.S.C. 4826. The ECRA provides BIS with permanent statutory authority to administer the EAR. The ECRA specifically states that all administrative or judicial proceedings commenced prior to its enactment are not disturbed by the new legislation. *See Id.* Accordingly, BIS currently has jurisdiction over this matter, as it did at the time of the alleged offenses.

approximately $26,732 and $19,937, respectively.[10]

7. VNIITF was at all times relevant hereto listed on the Entity List, Supplement No. 4 to Part 744 of the Regulations. Pursuant to Section 744.11 of the Regulations and VNIITF's Entity List entry, a BIS export license was at all relevant times required to export any item subject to the Regulations to VNIITF, including the electronic components described in Paragraph 6, *supra.*

8. Brazhnikov engaged in the unlicensed exports described above knowing that no BIS export license had been sought or obtained. He continued to do so, moreover, even after though [sic] BIS Special Agents conducted an outreach visit with him on or about January 23, 2013, during which the Special Agents discussed, inter alia, both the licensing requirements for exports to Russia and EEI filing requirements.

9. In so doing, as alleged in Paragraph 1–8, *supra,* Brazhnikov violated Section 764.2(d) of the Regulations.

Neither party requested a hearing in this case, and accordingly, the ALJ issued an Order on October 18, 2019, holding that the parties had waived their right to a hearing and the case would proceed on the record, and further setting forth a schedule for discovery, motions, and final briefs. *See* 15 CFR 766.6(c) and 766.15.

On December 16, 2019, BIS filed a Motion for Summary Decision with supporting documentation, contending Respondent's criminal conviction in U.S. District Court demonstrates there is no dispute Respondent committed a violation of the EAR under 15 CFR 764.2(d). In response, Respondent filed an opposition to the motion.

On April 21, 2020, the ALJ issued an Order Partially Granting Motion for Summary Decision (Summary Decision Order), finding Respondent's arguments did not create a genuine issue of material fact and that BIS was entitled to a decision as a matter of law that Respondent violated the EAR under 15 CFR 764.2(d). Respondent did not dispute his conviction and did not object to the documents BIS attached to its Motion, which included his plea allocution. Respondent was thus collaterally estopped from denying the facts set forth in the Charging Letter, as they were the same facts to which Respondent admitted through his guilty plea in the federal criminal case. Accordingly, the ALJ found Charge 1 proved, but reserved ruling on the sanction. The Summary Decision Order included Recommended Findings of Fact and Recommended Ultimate Findings of Fact and Conclusions of Law. *See* Attachment A.

On May 29, 2020, BIS submitted a final brief contending Respondent should be denied export privileges for at least 15 years. On the same date, Respondent filed a brief, in the form of a letter, arguing that deprivation of export privileges for six months would be a sufficient sanction.

The record is now ripe for decision on sanction.

II. Recommended Findings of Fact Regarding Sanction

After considering the whole record, including the parties' final briefs, and the Summary Decision Order, I find the following facts proved by preponderant evidence:

1. As part of the conspiracy lasting between January 2008 and June 2014, Russian customers, including Russian defense contractors, paid Respondent and his co-conspirators to procure the U.S.-origin electronics. (Mot. for Summ. Dec., Ex. 4 at p. 18 (Respondent's Plea Allocution)).

2. To conceal the source of the funds and thus the identities of the Russian customers, Respondent and his co-conspirators established bank accounts held by foreign shell companies and moved the funds from the Russian customers to those bank accounts. (Mot. for Summ. Dec., Ex. 4 at pp. 17–21 (Respondent's Plea Allocution)).

3. Respondent deliberately concealed the identities of the true end-users (including the VNIITF) of the electronics from the U.S. vendors and U.S. authorities by utilizing New Jersey corporations founded by Respondent to repackage the items for export to Russia, and by shipping the items to false addresses in Russia, *e.g.,* vacant apartments. (Mot. for Summ. Dec., Ex. 4 at pp. 21–22 (Respondent's Plea Allocution)).

4. Respondent falsified the value of the exported items to evade the requirements for filing EEI forms, in an attempt to conceal the extent of the activities from U.S. authorities. (Mot. for Summ. Dec., Ex. 4 at p. 22 (Respondent's Plea Allocution)).

5. Respondent and his co-conspirators were responsible for illegal export transactions totaling over $65 million. (Mot. for Summ. Dec., Ex. 4, p. 24 (Respondent's Plea Allocution)).

III. Discussion

A. Burden of Proof

The Administrative Procedure Act (APA) governs proceedings for administrative penalties for EAR violations. 5 U.S.C. 554, *et seq. See* 50 U.S.C. 4819(c)(2) (''Any civil penalty under this subsection may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of Title 5.'') Pursuant to the APA, the burden in this proceeding lies with BIS to prove the charge against Respondent by reliable, probative, and substantial evidence. 5 U.S.C. 556(d). The ''reliable, probative, and substantial'' standard is synonymous with the ''preponderance of the evidence'' standard of proof. *Steadman* v. *SEC,* 450 U.S. 91, 102 (1981); *In the Matter of Abdulmir Madi, et al.,* 68 FR 57406 (October 3, 2003).

As noted in the Summary Decision Order, BIS has already established there is no genuine dispute of material fact concerning the alleged violations. *Concrete Pipe & Products* v. *Construction Laborers Pension Trust,* 508 U.S. 602, 622 (1993). Therefore, at this stage of the proceedings, those facts in the Summary Decision Order are established. However, BIS still retains the burden to prove any additional aggravating facts offered in support of its request for sanction with preponderant evidence, meaning BIS must show the fact's existence is more probable than not. 5 U.S.C. 556(d). After determining which facts have been proven by preponderant evidence, it is then up to the ALJ to determine an appropriate sanction.[11]

B. Determining an Appropriate Sanction

Section 764.3 of the EAR describes the permissible sanctions BIS may seek for the violation charged in this proceeding: (1) A civil penalty, (2) a denial of export privileges under the Regulations, and (3) an exclusion from practice. *See* 15 CFR 764.3. Supplement Number 1 to 15 CFR part 766, titled Guidance on Charging and Penalty Determinations in Settlement of Administrative Enforcement Cases (''Penalty Guidance''), provides non-binding guidance on penalty determinations in the context of settlement discussions between BIS and respondents in administrative enforcement cases. The Penalty Guidance was created to aid settlement negotiations, and does not create any right or obligation as to what penalty or sanction BIS may seek after litigation; however, it provides helpful guideposts for considering an appropriate sanction even in the context of a litigated enforcement action.

1. Aggravation

The Penalty Guidance discusses actions that may be considered ''aggravating factors.'' Such actions include conduct that shows the respondent knew he/she was violating U.S. laws or regulations, *i.e.,* a

[10] While the Charging Letter stated the value of the transactions as $26,732 and $19,937, the invoices produced by BIS to support this allegation showed that the amounts were listed in rubles, not dollars. This discrepancy did not affect the ALJ's determination that Respondent violated the EAR.

[11] 15 CFR 766.17(b)(2) states, in pertinent part, ''If the administrative law judge finds that one or more violations have been committed, the judge shall recommend an order imposing administrative sanctions, as provided in part 764 of the EAR, or such other action as the judge deems appropriate.''

deliberate intent to violate the EAR; intentional concealment of conduct for the purpose of misleading authorities or other parties involved in the transaction; and conduct that implicates U.S. national security and/or U.S. foreign policy, *e.g.,* by exporting items to individuals/organizations on BIS ''Entity List.'' *See* 15 CFR part 766, Supp. No. 1, at § III ''Aggravating Factors.''

As addressed in the Findings of Fact, above, Respondent admitted to engaging in deliberate acts with his co-conspirators meant to conceal their actions, including creating bank accounts for shell companies to conceal the true source of the funds, using his New Jersey-based corporations to repackage and ship the items to the Russian end-users, shipping components to false addresses to conceal the true identity of the Russian end-users, and falsifying the value of the exports to evade EEI filing requirements. Respondent admitted to these acts in his plea allocution before the Federal District Court, and accordingly BIS has proven these facts by preponderant evidence. (Mot. for Summ. Dec., Ex. 4 (Respondent's Plea Allocution)). A party's deliberateness in violating the EAR and concealment of the conduct are aggravating factors that are given substantial weight. *See* 15 CFR part 766, Supp No. 1, at §§ III(A) and IV(B). There is no dispute that Respondent willfully and deliberately used sophisticated tactics to evade detection by U.S. authorities and to conceal the identities of the true end-users from the U.S. vendors.

In its final brief, BIS asserts that pursuant to section 764.3 of the regulations, BIS may seek administrative sanctions including a civil penalty of up to $307,922 per violation or twice the value of the transaction upon which the penalty is imposed, whichever is greater. BIS also states that in view of the $65 million criminal forfeiture imposed in regard to the criminal action, BIS is not recommending an additional civil penalty in this matter, but contends Respondent's conduct is of such a serious nature that a 15-year denial of export privileges is ''not only necessary but proportionate to other cases, especially considering the activities of the prohibited end-users at issue such as VNIITF.'' (BIS Final Brief, p. 9).[12] BIS argues that VNIITF assists Russia in the development of its nuclear weapons program.[13] VNIITF is currently, and was at the time of Respondent's conduct, on BIS' Entity List. The Entity List was established to identify organizations that pose a significant national security concern:

> The Entity List (supplement no. 4 to part 744) identifies persons reasonably believed to be involved, or to *pose a significant risk* of being or becoming involved, in *activities contrary to the national security or foreign policy interests of the United States.* The entities are added to the Entity List pursuant to sections of part 744 (Control Policy: End–User and End–Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.
>
> 15 CFR 744.16 (emphasis supplied).

The degree to which the conduct implicates national security concerns due to the sensitivity of the items exported or the nature of the recipient of the exports is another factor that is given substantial weight. Here, the recipient, VNIITF, is considered an organization to which exports must be carefully controlled because of potential harm to the national security or foreign policy. Respondent's conduct in providing VNIITF with electronic components is highly troubling.

2. Mitigation

The Penalty Guidance likewise discusses actions that may be considered ''mitigating factors.'' Such actions include immediate cessation of the unlawful conduct once it was discovered, quick and decisive efforts to ascertain the cause and extent of the violation, and exceptional cooperation with the agency to investigate and resolve violations. *See* 15 CFR part 766, Supp. No. 1, at § III ''Mitigating Factors.''

In his Final Brief, Respondent presents the following in support of his contention that a six-month denial of export privileges is appropriate:

> [C]onsidering that throughout the whole time of COVID–19 I have been working at the forefront and providing services to the community, as well as a small amount of offense, I believe that deprivation of export privileges for 6 months will be sufficient sanctions.
>
> Resp. Final Brief, p. 1.

Respondent did not elaborate on his efforts to aid those impacted by COVID–19 or explain why that should be considered a mitigating factor in these administrative enforcement proceedings.

In his opposition to BIS' Motion for Summary Decision, Respondent did not acknowledge his responsibility for his violations of the EAR, but instead asserted that his father took responsibility for the charges. Respondent's failure to acknowledge his responsibility came after he pled guilty in the criminal case and formally admitted in a plea hearing before a U.S. District Court judge that he had engaged in the violations and acts of concealment discussed above. In addition to avoiding an admission of responsibility, Respondent has not presented any evidence that he will implement an export compliance program, or make any effort to ensure his activities comport with export regulations, if he is allowed to continue in the export business. Likewise, he has not demonstrated cooperation in any significant manner with BIS in the present case. A mere contention of some form of community service relating to the COVID–19 pandemic is not evidence and does not present any valid basis for mitigation of sanctions for the charged violations.

3. Analysis of Respondent's Conduct in Comparison With Other Administrative Penalty Cases

BIS points to the imposition of a 10-year denial of export privileges in the case *In the Matters of: Trilogy International Associates, Inc., William Michael Johnson, Respondents,* 83 FR 9259 (Mar. 5, 2018). In *Trilogy,* the course of conduct lasted from January 2010 through May 2010, wherein the respondents exported an explosives detector and 115 analog to digital converters to Russia. The Under Secretary of Commerce for Industry and Security found the respondents were ''willfully ignoring, or, at best, blinding themselves to their compliance obligations.'' 83 FR at 9262. *Trilogy* did not involve export of items to an organization on the Entity List, and the time period of the illegal acts was much briefer than Respondent's four-year course of conduct. Moreover, unlike the instant case, the respondents in *Trilogy* were found to have ''willfully ignored'' or ''blinded themselves'' to the regulations, as opposed to having engaged in extensive, deliberate concealment efforts. As such, a harsher penalty for Respondent seems appropriate.

BIS also cites two cases in which administrative enforcement actions were brought against the respondents after they had been convicted of conspiracy to violate the IEEPA under 18 U.S.C. 371 and 50 U.S.C. 1705, as in the instant case, by exporting items to Russian end-users. In those cases, *In the Matter of: Alexey Krutilin,* 82 FR 43218 (Sep. 14, 2017) and *In the Matter of:*

[12] BIS demonstrated by preponderant evidence that Respondent shipped items to VNIITF in violation of the EAR, as set forth fully in the Summary Decision Order.

[13] BIS cites to the information provided by the Nuclear Threat Initiative on its website, *https://www.nti.org/learn/facilities/926/.*

Dmitrii Karpenko, 82 FR 43217 (Sep. 14, 2017), the Office of Export Enforcement proceeded under 15 CFR 766.25, which allows the immediate imposition of an administrative penalty without the need for a charging letter and opportunity for hearing, but restricts the penalty to a maximum ten-year denial of export privileges. The respondent in *Krutilin* was given the maximum ten-year denial penalty. The respondent in *Karpenko* was given a five-year denial penalty. Neither of those cases mentioned the involvement of Russian organizations on the Entity List.

Another case cited by BIS involving a clearly deliberate violation of export control regulations is *In the Matter of: Yavuz Cizmeci,* 80 FR 18194 (Apr. 3, 2015), wherein the respondent aided Iran Air in procuring a Boeing 747 in direct violation of a Temporary Denial Order (''TDO''). The TDO, issued on June 6, 2008, prohibited a company called Ankair from ''directly or indirectly, participating in any way in any transaction involving the Boeing 747 . . . .'' Yet, on June 26, 2008, the respondent, CEO of Ankair, assisted in transferring possession of the plane to Iran Air. The transaction value was estimated at approximately $5.3 million. The respondent settled the administrative enforcement action and agreed to a $50,000 civil penalty and a 20-year denial of export privileges. While this case is factually distinct, both cases involve intentional violations of the EAR and transactions in the millions of dollars.

4. Sanction Determination

Respondent violated the EAR by conspiring with others to, *inter alia,* export electronic components to an organization on the Entity List. Respondent further admitted to engaging in a years' long, sophisticated scheme to evade detection by U.S. authorities. The deliberateness of Respondent's violations and concealment efforts, the extent of the activity, and the fact that Respondent helped to export controlled items to an organization that is considered to pose a risk to U.S. national security, all justify an extensive period of denial of export privileges. Respondent failed to provide any mitigating evidence. Considering the 20-year denial imposed in *Cizmeci,* the ten-year denials imposed in *Trilogy* and *Krutilin,* and the five-year denial imposed in *Karpenko,* a 15-year denial of export privileges for Respondent's conduct is comparable to sanctions imposed in similar cases and reasonable when considered in light of the applicable Penalty Guidance factors. Accordingly, I find that a 15-year denial of export privileges is appropriate.

IV. Conclusions of Law

1. Respondent and the subject matter of this proceeding are properly within the jurisdiction of BIS pursuant to the Export Control Reform Act of 2018 and the EAR. 50 U.S.C. 4826; 15 CFR parts 730–774.

2. Between January 2008 through June 2014, Respondent violated 15 CFR 764.2(d) by conspiring with others to violate the EAR by exporting regulated items to Russian end-users on BIS' Entity List without the required licenses.

V. Recommended Order

[Redacted Section]

This Recommended Decision and Order is being referred to the Under Secretary for review and final action by overnight carrier as provided under 15 CFR 766.17(b)(2). Due to the short period of time for review by the Under Secretary, all papers filed with the Under Secretary in response to this Recommended Decision and Order must be sent by personal delivery, facsimile, express mail, or other overnight carrier as provided in 15 CFR 766.22(a).

Submissions by the parties must be filed with the Under Secretary for Export Administration, Bureau of Industry and Security, U.S. Department of Commerce, Room H–3898, 14th Street and Constitution Avenue NW, Washington, DC 20230, within twelve (12) days from the date of issuance of this Recommended Decision and Order. Thereafter, the parties have eight (8) days from receipt of any responses in which to submit replies. *See* 15 CFR 766.22(b).

Within thirty (30) days after receipt of this Recommended Decision and Order, the Under Secretary shall issue a written order, affirming, modifying, or vacating the Recommended Decision and Order. *See* 15 CFR 766.22(c). A copy of the regulations regarding review by the Under Secretary can be found in *Attachment B.*

[Signature of Michael J. Devine]

Michael J. Devine
U.S. Coast Guard Administrative Law Judge

Done and dated January 26, 2021, at Baltimore, Maryland

Attachment A: April 21, 2020 Order Partially Granting Motion for Summary Decision

Attachment B: Review by Under Secretary, 15 CFR 766.22

Attachment A

United States Department of Commerce

Bureau of Industry and Security

Washington, DC

In the Matter of: Alexander Brazhnikov, Jr.
Respondent
Docket No. 19–BIS–0001

Order Partially Granting Motion for Summary Decision

Issued: April 21, 2020

Issued By: Hon. Michael J. Devine, Presiding

Appearances

For the Bureau of Industry and Security

Gregory Michelsen, Esq., Joseph V. Jest, Esq., Deborah A. Curtis, Esq., U.S. Department of Commerce, Room H–3839, 14th Street & Constitution Ave. NW, Washington, DC 20230

For Respondent

Alexander Brazhnikov, Jr., *pro se,* 234 Central Ave., Mountainside, NJ 07092

I. Preliminary Statement

The Bureau of Industry and Security (BIS) initiated this administrative enforcement action against Alexander Brazhnikov, Jr. (Respondent) by serving a Charging Letter against him on April 22, 2019. BIS brought one Charge against Respondent, under 15 CFR 764.2(d), alleging he conspired with others to do acts that constitute violations of the Export Administration Regulations (EAR).

As the basis for Charge 1, BIS alleged Respondent conspired with others from January 2008 through June 2014 to export regulated electronic components from the U.S. to Russian customers listed on BIS's ''Entity List'' without the required licenses.[14] BIS supports Charge 1 with Respondent's June 11, 2015 guilty plea and subsequent conviction in the U.S. District Court for the District of New Jersey of conspiracy to violate the International Emergency Economic Powers Act (IEEPA) by acting with others to cause the export of electronic components from United States manufacturers to Russia on behalf of an entity for which no export license could have lawfully been obtained. According to the Charging Letter, the facts underlying the criminal case are the same as the facts underlying this administrative action.

On December 16, 2019, BIS filed a Motion for Summary Decision, arguing

[14] The Entity List is found in Supplement No. 4 to 15 CFR Part 744. It designates foreign persons, businesses, and organizations to which export is prohibited without a license.

Respondent's conviction demonstrates there is no dispute Respondent committed a violation of the EAR under 15 CFR 764.2(d). Respondent filed a late response on February 10, 2020, listing his contentions in three numbered paragraphs, arguing (1) his father took responsibility for all of the actions alleged in the Charging Letter, (2) BIS did not prove that ''these parts were U.S.-Origin,'' and (3) the total cost of the exported items listed in two sample invoices attached by BIS to its Motion for Summary Decision was $734.58. For the reasons set forth below, the undersigned is PARTIALLY GRANTING BIS' Motion for Summary Decision.

II. Recommended Findings of Fact

1. Respondent pled guilty to a federal criminal charge of conspiracy to violate the International Emergency Economic Powers Act (IEEPA) in the U.S. District Court for the District of New Jersey on June 11, 2015, Case. No. 2:15–CR–00300–WJM–1. (Mot. for Summ. Dec., p. 4–5; Ex. 2; Ex. 3; Ex. 4; Ex. 5).

2. Between January 2008 and June 2014, Respondent exported electronic components from U.S. vendors to Russian end-users. (Mot. for Summ. Dec., pp. 5–6, 8; Ex. 4 at p. 17–18).

3. On or about November 20, 2013, Respondent exported multiple shipments of electronic components to the All-Russian Scientific Research Institute of Technical Physics (VNIITF) Academician E.I. Zababakhina. (Mot. for Summ. Dec., Ex. 2 at p. 15; Ex. 4 at p. 24; Ex. 11).

4. Some of the items in the November 20, 2013 shipments were electronic components on the Commerce Control List under ECCN EAR99. (Mot. for Summ. Dec., Ex. 9).

5. On or about April 23, 2014, Respondent exported electronic components to VNIITF Academician E.I. Zababakhina. (Mot. for Summ. Dec., Ex. 2 at p. 15; Ex. 4 at 24; Ex. 12).

6. The components in the April 23, 2014 shipment were on the Commerce Control List under ECCN EAR99. (Mot. for Summ. Dec., Ex. 10).

7. BIS placed the VNIITF on the Entity List in 1997, and it remained there at all times during 2008 through 2014. (Mot. for Summ. Dec., pp. 8–9); *see* Entity List at Supplement No. 4 to 15 CFR part 744.

8. BIS added the Academician E.I. Zababakhina to the Entity List as an alias for the VNIITF in 2010. (Mot. for Summ. Dec., pp. 8–9); *see* Entity List at Supplement No. 4 to 15 CFR part 744.

9. Respondent exported the aforementioned items without obtaining a BIS license.

III. Discussion

A. Jurisdiction

The alleged offenses occurred between January 2008 and June 2014. At that time, BIS had jurisdiction over this matter pursuant to the IEEPA and the EAR promulgated under the Export Administration Act of 1979 (EAA), codified at 50 U.S.C. 4601–4623. *See* 15 CFR parts 730–774. Although the EAA had lapsed at that time, the President, through Executive Order 13,222 of August 17, 2001, and through successive Presidential Notices, continued the regulations in full force and effect under the IEEPA. 50 U.S.C. 1701, *et seq*.

In August 2018, Congress enacted the John S. McCain National Defense Authorization Act containing the Export Control Reform Act of 2018, which repealed much of the EAA but provided BIS with permanent statutory authority to administer the EAR. *See* 50 U.S.C. 4826. The 2018 Act specifically states all administrative actions made or administrative proceedings commenced prior to its enactment are not disturbed by the new legislation. *See Id.* Accordingly, BIS currently has jurisdiction over this matter, as it did at the time of the alleged offenses.

B. Standard of Review for Summary Decision

The regulations governing BIS civil penalty enforcement proceedings allow a party to move for summary decision disposing of some or all of the issues in the case if there is no genuine issue as to any material fact and the moving party is entitled to summary decision as a matter of law. 15 CFR 766.8. A dispute over a material fact is ''genuine'' if the evidence is such that a reasonable fact finder could render a ruling in favor of the non-moving party. *Anderson* v. *Liberty Lobby, Inc.,* 477 U.S. 242, 248 (1986).

The moving party bears the initial burden of production to identify those portions of the record that demonstrate an absence of genuine issues of material fact. *Celotex Corp.* v. *Catrett,* 477 U.S. 317, 330–331 (1986). Once the moving party meets that initial burden, the burden of production then shifts to the non-moving party to identify specific evidentiary material that demonstrates a genuine issue for trial. *Id.* Mere denials of allegations are not sufficient to demonstrate a genuine issue of material fact. *Sanders* v. *Nunley,* 634 F.Supp. 474, 476 (N.D. Ga. 1985).

When considering the ultimate burden of persuasion, the ALJ must apply the ''substantive evidentiary standard of proof that would apply at the trial on the merits.'' *Liberty Lobby,* 477 U.S. at 252. Here, the standard of proof is the standard set forth in the Administrative Procedure Act—a preponderance of the evidence. 50 U.S.C. 4819(c)(2); *Sea Island Broadcasting Corp. of S.C.* v. *F.C.C.,* 627 F.2d 240, 243 (1980).

C. No Genuine Issue of Material Fact Exists

1. Legal Basis for Charge 1 (15 CFR 764.2(d)—Conspiracy)

According to Charge 1, BIS alleges Respondent conspired with others to violate the EAR under 15 CFR 764.2(d), from January 2008 through June 2014 to procure electronic components from U.S. vendors and export the components to Russian end-users, while evading U.S. licensing regulations prohibiting such export transactions. (Mot. for Summ. Dec., Ex. 1 [Charging Letter], pp. 1–3). The electronic components were listed on BIS's Commerce Control List. The Russian end-users were listed on BIS' Entity List, and, as such, were entities deemed by the U.S. ''to pose a significant risk of being or becoming involved, in activities contrary to the national security or foreign policy interests of the United States.'' 15 CFR 744.16.

a. Regulation of Items on the Commerce Control List

BIS maintains authority over the exportation of certain items. These items are listed on the Commerce Control List (CCL), and divided into categories, such as ''nuclear materials,'' ''telecommunications and information security,'' and ''aerospace and propulsion.'' 15 CFR 774.1(a); 15 CFR 738.2(a). Categories are divided into groups, such as ''materials,'' ''software,'' and ''technology.'' 15 CFR 738.2(b). Within each category and group, items are identified by an Export Control Classification Number (ECCN). 15 CFR 738.2(d).

An ECCN listing provides information on the reasons that BIS regulates that particular item; one must cross-reference the information in the ECCN listing with information provided in the Commerce Country Chart to determine if a license is required to export the item to a particular country. 15 CFR 738.2, 738.4; Supplement No. 1 to Part 738 (Commerce Country Chart).

b. Regulation of Exports to Entities on the Entity List

In addition to the Commerce Control List, the EAR provides another layer of regulation by way of the Entity List, which specifies individuals, businesses, and organizations to whom the export of certain items is prohibited without a license. With regard to the Entity List, the EAR provides:

> The Entity List (Supplement No. 4 to part 744) identifies persons reasonably believed to be involved, or to pose a significant risk of being or becoming involved, in activities contrary to the national security or foreign

policy interests of the United States. The entities are added to the Entity List pursuant to sections of part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

(a) License requirements. The public is hereby informed that in addition to the license requirements for items specified on the Commerce Control List (CCL), you may not export, reexport, or transfer (in-country) items specified on the Entity List to listed entities without a license from BIS. The specific license requirement for each listed entity is identified in the license requirement column on the Entity List in Supplement No. 4 to this part.

15 CFR 744.16.

As stated in the regulation, above, items subject to regulation by virtue of being on the Commerce Control List may also be subject to additional regulation if the end-users are listed on the Entity List.

c. Respondent Is Collaterally Estopped From Denying the Facts Set Forth in the Charging Letter Due to Guilty Plea in Related Federal Criminal Case

BIS contends no genuine issue of material fact exists as to Charge 1 because Respondent pled guilty to a Federal criminal charge of conspiracy to violate the IEEPA [15] in the U.S. District Court for the District of New Jersey on June 11, 2015, in Case. No. 2:15–CR–00300–WJM–1. (Mot. for Summ. Dec., p. 4–5; Ex. 2 (Criminal Information); Ex. 3 (Plea Agreement); Ex. 4 (Transcript of Plea Hearing); Ex. 5 (Judgment in a Criminal Case). The facts underlying the criminal case are the same facts underlying this administrative action.

BIS attached the Criminal Information for Case. No. 2:15–CR–00300–WJM–1 to its Motion for Summary Decision, which describes in detail the actions taken by Respondent and his co-conspirators to export regulated items to Russian organizations on the Entity List without obtaining the required licenses. (Mot. for Summ. Dec., Ex. 2). BIS also attached the plea agreement executed by Respondent, the transcript of the plea hearing, the judgment of conviction, and Respondent's response to BIS's Requests for Admission in this administrative action. (Mot. for Summ. Dec., Exs. 3–6, respectively).

Through his responses to the Requests for Admission, Respondent conceded the authenticity of the documents related to his criminal conviction attached to BIS' Motion for Summary Decision. (Mot. for Summ. Dec., Ex. 6 at Requests for Admission Nos. 1–3). Respondent also admitted to many of the underlying facts in his response to the Requests for Admission. (Mot. for Summ. Dec., Ex. 6 at Requests for Admission Nos. 5, 7, 14, 16, 19, 26–30). The facts Respondent did not admit to in the Requests for Admission are contradicted by Respondent's statements made under oath during the plea hearing. For example, Respondent denied the following Request for Admission:

15. Admit that Respondent Alexander Brazhnikov, Jr., and his co-conspirators exported electronic components from the United States to Russia knowing that, although licenses were required that licenses had not been obtained.

Response: DENY. I had never sent any electronic parts which required licensing. I am not responsible for any ''co-conspirators.''

(Mot. for Summ. Dec., Ex. 6).

Despite Respondent's denial of that Request for Admission, he answered as follows in his plea hearing in the criminal case:

U.S. Attorney: As part of the conspiracy to evade the International Emergency Economic Powers Act as alleged in Count 3 of the Information, did you and your co-conspirators purposefully export electronics components from the United States to Russia knowing that, although licenses were required for such exports, licenses had not been obtained?

Brazhnikov: Yes.

(Mot. for Summ. Dec., Ex. 5, p. 23).

Collateral estoppel prevents Respondent from denying or re-litigating the facts set forth in the Charging Letter, because they are the same facts he admitted in his federal criminal case. *Smith* v. *SEC.,* 129 F.3d 356, 362 (6th Cir. 1997) (conviction for insider trading creates situation where ''[i]n order to prevail in the civil action, the SEC now needs only to move for summary judgment on the basis of the collateral estoppel effect of that conviction.''); *SEC.* v. *Bilzerian,* 29 F.3d 689, 693–694 (D.C. Cir. 1994) (''the district court found that Bilzerian was collaterally estopped from contesting the facts set forth in support of the SEC's civil claims because the same facts formed the basis of his criminal conviction.''). Accordingly, there is no genuine dispute over whether Respondent committed acts constituting conspiracy to violate the EAR. The specific facts are set forth in the following section.

2. Material Facts as to Charge 1

Respondent was the owner, operator, and CEO of several business incorporated in New Jersey. Respondent's father was the owner, operator, and CEO of several Russian business entities. Respondent's father was one of Respondent's co-conspirators with respect to the following actions. Between January 2008 and June 2014, Respondent and his co-conspirators, through the afore-mentioned businesses, exported electronic components from the U.S. to Russian end-users, knowing the EAR required licenses for such exports and not obtaining the required licenses. (Mot. for Summ. Dec., pp. 5–6, 8; Ex. 4 at pp. 17–18, 23).

One of the end-users to which Respondent and his co-conspirators exported items was the All-Russian Scientific Research Institute of Technical Physics (VNIITF) Academician E.I. Zababakhina. BIS placed the VNIITF on the Entity List in 1997, and it remained there at all times from 2008 to 2014. BIS added the Academician E.I. Zababakhina to the Entity List as an alias for the VNIITF in 2010. (Mot. for Summ. Dec., pp. 8–9); *see* Entity List at Supplement No. 4 to 15 CFR part 744.

On November 20, 2013, Respondent and his co-conspirators sent multiple shipments of electronic components, evidenced by four invoices, to VNIITF Academician E.I. Zababakhina. (Mot. for Summ. Dec., Ex. 2 at p. 15; Ex. 4 at p. 24; Ex. 11). BIS, through certified Licensing Determinations, determined some of the items in the shipments were electronic components found on the Commerce Control List under ECCN EAR99. (Mot. for Summ. Dec., Ex. 9).

On April 23, 2014, Respondent and his co-conspirators again shipped electronic components to VNIITF Academician E.I. Zababakhina. (Mot. for Summ. Dec., Ex. 2 at p. 15; Ex. 4 at 24; Ex. 12). BIS performed a certified Licensing Determination, concluding the components were found on the Commerce Control List under ECCN EAR99. (Mot. for Summ. Dec., Ex. 10).

Pursuant to the Entity List, a license was required to export ''all items subject to the EAR'' to VNIITF Academician E.I. Zababakhina. *See* Supplement No. 4 to Part 744. As the November 20, 2013 and April 23, 2014 shipments contained items subject to the EAR, Respondent was prohibited from exporting the items without obtaining a license from BIS. 15 CFR 744.16(a). As evidenced by his statement at the plea hearing, Respondent and his co-conspirators knew licenses were required for these exports and failed to obtain them. (Mot. for Summ. Dec., Ex. 4 at p. 23–24).

[15] Respondent was convicted of the crime codified at 18 U.S.C. 371 (''Conspiracy to commit offense or to defraud United States''). The IEEPA specifies that violation of its terms can result in criminal penalties pursuant to 50 U.S.C. 1705 (''Penalties'').

3. Respondent Failed To Identify Any Genuine Issues of Material Fact

a. Respondent Claims His Father Took All Responsibility

In his Response to the Motion for Summary Decision, Respondent makes three contentions. First, Respondent contends his father ''took all responsibility for it.'' (Resp. to Mot. for Summ. Dec., p. 1). In support, Respondent attached a document drafted in Russia, along with a translated copy, purportedly made by Respondent's father on October 10, 2019. The document states Respondent's father is the owner of two companies (Zond-R, Inc.; Telecom Multipliers, Inc.) involved in the scheme to violate the IEEPA. (Resp. to Mot. for Summ. Dec., Ex. 1). Respondent's argument here is merely a denial of the Charge and does not give rise to a genuine issue of material fact. *Sanders,* 634 F.Supp. at 476. Contrary to Respondent's bald assertion, the document does not state Respondent's father takes all responsibility for the scheme, it only affirms Respondent's father owns companies involved in the scheme. Further, Respondent is estopped from arguing now that his father actually owned those companies, because Respondent admitted in the June 11, 2015 plea hearing in Criminal Case No. 2:15–CR–00300–WJM–1 he owned Zond-R, Inc. and Telecom Multipliers, Inc. (Mot. for Summ. Dec., Ex. 4 at p. 17).

b. Respondent Argues BIS Did Not Prove Items Were U.S.-Origin

Second, Respondent argues ''BIS did not provide ANY evidence that these parts were U.S.-Origin.'' (Resp. to Mot. for Summ. Dec., p. 1). This argument lacks merit because one element of the crime to which Respondent pled guilty was the fact that he, along with his co-conspirators, illegally exported U.S.-origin electronics to Russian organizations. (Mot. for Summ. Dec., Ex. 4 at pp. 20–24).

c. Respondent Contends BIS Misstated the Monetary Value of the Exports

Finally, Respondent argues the cost of the electronic components he conspired to export was $734.58, not $46,669.71. Respondent is referring to the November 20, 2013 and April 23, 2014 export transactions mentioned by BIS in the Charging Letter, which were among the overt acts Respondent admitted to in the criminal case. (Mot. for Summ. Dec., Ex. 1 at pp. 2–3). The Charging Letter does contain some errors in the amount of the transactions; the invoices attached to BIS's Motion for Summary Decision show the amounts were listed in rubles, not dollars. (Mot. for Summ. Dec., Exs. 11, 12).

However, the specific value of the exports is not a material fact. A fact is material if it ''might affect the outcome of the suit under the governing law.'' *Anderson,* 477 U.S. at 248. The pertinent elements of the criminal charge against Respondent in the U.S. District Court and the administrative charge against Respondent in this proceeding are (1) Respondent conspired with others (2) to export U.S. electronic components (3) to Russian organizations on BIS's ''Entity List'' (4) without the licenses required by the EAR. *See* 18 U.S.C. 371; 50 U.S.C. 1705; 15 CFR 744.16. The cost of the items is immaterial in regard to finding a violation proven. While the EAR provides a limited licensing exception for certain exports under a certain monetary value, this exception does not apply to items exported to Russia or items exported to entities on the Entity List. *See* 15 CFR 740.3; Suppl. No. 1 to Part 740.[16] [17]

D. Conclusion—BIS Is Entitled to a Decision as a Matter of Law

BIS met its burden of production as to Charge 1, conspiracy to violate the EAR under 15 CFR 764.2(d), with evidence that Respondent pled guilty a related federal criminal charge. The facts underlying the criminal charge being identical to the facts underlying the instant administrative charge, Respondent is estopped from denying them. Respondent filed a late response to the Motion for Summary Decision but failed to identify any triable issues of fact. Considering BIS' evidence as a whole, BIS met its ultimate burden of persuasion, showing by a preponderance of the evidence that no genuine issue of material fact exists and BIS is entitled, as a matter of law, to a decision in its favor as to Charge 1.

IV. Recommended Ultimate Findings of Fact and Conclusions of Law

1. Respondent and the subject matter of this proceeding are properly within the jurisdiction of the BIS pursuant to the Export Control Reform Act of 2018 and the Export Administration Regulations (EAR). 50 U.S.C. 4826; 15 CFR parts 730–774.

2. The facts underlying the federal criminal charge to which Respondent pled guilty are identical to the facts set forth in the Charging Letter. (Mot. for Summ. Dec., Exs. 1–5).

3. Respondent is estopped from denying or re-litigating the facts set forth in the Charging Letter. *Smith* v. *S.E.C.,* 129 F.3d 356, 362 (6th Cir. 1997); *S.E.C.* v. *Bilzerian,* 29 F.3d 689, 693–694 (D.C. Cir. 1994).

4. Between January 2008 through June 2014, Respondent violated 15 CFR 764.2(d) by conspiring with others to violate the EAR by exporting regulated items to Russian end-users on BIS' Entity List without the required licenses.

V. Sanction

Section 764.3 of the EAR establishes the sanctions BIS may seek for the violations charged in this proceeding. The sanctions are: (1) A monetary penalty, (2) denial of export privileges under the regulations, and (3) exclusion of practice before the Department of Commerce. BIS has not moved for any particular sanction to be imposed. Accordingly, sanctions will be addressed following an opportunity for the parties to be heard on the issue. In keeping with the October 18, 2019 Scheduling Order, this matter shall proceed on the record. The parties shall submit final written briefs stating their positions as to an appropriate sanction on or before May 29, 2020. There will not be any reply briefs.

Wherefore,

Order

It is hereby ordered, BIS's Motion for Summary Decision is GRANTED IN PART. Charge 1, brought pursuant to 15 CFR 764.2(d), is found PROVEN.

It is further ordered, the parties shall submit written briefs stating their positions as to an appropriate sanction on or before May 29, 2020.

[Signature of Michael J. Devine]
Hon. Michael J. Devine
Administrative Law Judge

Done and dated April 21, 2020
Baltimore, Maryland

Attachment B

15 CFR 766.22—Review by Under Secretary

(a) Recommended decision. For proceedings not involving violations relating to part 760 of the EAR, the administrative law judge shall immediately refer the recommended decision and order to the Under Secretary. Because of the time limits provided under the EAA for review by the Under Secretary, service of the recommended decision and order on the parties, all papers filed by the parties in response, and the final decision of the Under Secretary must be by personal delivery, facsimile, express mail or other overnight carrier. If the Under Secretary cannot act on a recommended decision and order for any reason, the Under Secretary will designate another Department of Commerce official to receive and act on the recommendation.

[16] 15 CFR 740.3(b): ''This License Exception is available for all destinations in Country Group B (see Supplement No. 1 to part 740), provided that the net value of the commodities included in the same order and controlled under the same ECCN entry on the CCL does not exceed the amount specified in the LVS paragraph for that entry.

[17] Country Group B does not include Russia or entities listed in the Entity List.

(b) Submissions by parties. Parties shall have 12 days from the date of issuance of the recommended decision and order in which to submit simultaneous responses. Parties thereafter shall have eight days from receipt of any response(s) in which to submit replies. Any response or reply must be received within the time specified by the Under Secretary.

(c) Final decision. Within 30 days after receipt of the recommended decision and order, the Under Secretary shall issue a written order affirming, modifying or vacating the recommended decision and order of the administrative law judge. If he/she vacates the recommended decision and order, the Under Secretary may refer the case back to the administrative law judge for further proceedings. Because of the time limits, the Under Secretary's review will ordinarily be limited to the written record for decision, including the transcript of any hearing, and any submissions by the parties concerning the recommended decision.

(d) Delivery. The final decision and implementing order shall be served on the parties and will be publicly available in accordance with § 766.20 of this part.

(e) [Reserved by 75 FR 33683].

[FR Doc. 2021–05022 Filed 3–10–21; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–121]

Difluoromethane (R–32) From the People's Republic of China: Antidumping Duty Order

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing the antidumping duty (AD) order on difluoromethane (R–32) from the People's Republic of China (China).

DATES: Applicable March 11, 2021.

FOR FURTHER INFORMATION CONTACT: William Miller or Joshua Tucker, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3906 or (202) 482–2044, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with section 735(d) of the Tariff Act of 1930, as amended (the Act), on January 19, 2021, Commerce published its affirmative final determination in the less-than-fair-value (LTFV) investigation of R–32 from China.[1]

On March 2, 2021, the ITC notified Commerce of its final affirmative determination that an industry in the United States is materially injured by reason of imports of R–32 from China, within the meaning of section 735(b)(1)(A)(i) of the Act.[2]

Scope of the Order

The product covered by this order is R–32 from China. For a complete description of the scope of the order, *see* Appendix I to this notice.

Antidumping Duty Order

On March 2, 2021, in accordance with sections 735(b)(i)(A)(i) and 735(d) of the Act, the ITC notified Commerce of its final determination that an industry in the United States is materially injured by reason of imports of R–32 from China.[3] Therefore, in accordance with section 735(c)(2) of the Act, we are issuing this order. Because the ITC determined that imports of R–32 from China are materially injuring a U.S. industry, unliquidated entries of such merchandise from China which are entered, or withdrawn from warehouse, for consumption are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the subject merchandise, for all relevant entries of R–32 from China. Antidumping duties will be assessed on unliquidated entries of R–32 from China entered, or withdrawn from warehouse, for consumption on or after August 27, 2020, the date of publication of the *Preliminary Determination*.[4]

Continuation of Suspension of Liquidation

In accordance with section 736 of the Act, Commerce will instruct CBP to continue to suspend liquidation on all relevant entries of R–32 from China, which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's final determination in the **Federal Register**. These instructions suspending liquidation will remain in effect until further notice.

Commerce will also instruct CBP to require cash deposits for estimated antidumping duties equal to the cash deposit rates for each producer and exporter combination listed below. Accordingly, effective on the date of publication in the **Federal Register** of the ITC's final determination, CBP will require, at the same time as importers would normally deposit estimated duties on the subject merchandise, a cash deposit equal to the rates listed below:[5]

Producer	Exporter	Estimated weighted-average dumping margin (percent)
Taizhou Qingsong Refrigerant New Material Co., Ltd	Taizhou Qingsong Refrigerant New Material Co., Ltd	161.49
Zibo Feiyuan Chemical Co., Ltd	Zibo Feiyuan Chemical Co., Ltd	221.06
Zibo Feiyuan Chemical Co., Ltd	T.T. International Co., Ltd	221.06
Producers Supplying the Non-Individually- Examined Exporters Receiving Separate Rates (*see* Appendix II).	Non-Individually Examined Exporters Receiving Separate Rates (*see* Appendix II).	196.19
China-Wide Entity		221.06

[1] *See Difluoromethane (R–32) From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value,* 86 FR 5136 (January 19, 2021).

[2] *See* ITC's Letter, Final Determination Notification, dated March 2, 2021.

[3] *Id.*

[4] *See Difluoromethane (R–32) from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 85 FR 52950 (August 27, 2020) (*Preliminary Determination*).

[5] *See* section 736(a)(3) of the Act.

Provisional Measures

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except that Commerce may extend the four-month period to no more than six months at the request of exporters representing a significant proportion of exports of the subject merchandise. At the request of Taizhou Qingsong Refrigerant New Material Co., Ltd. and Zibo Feiyuan Chemical Co., Ltd., exporters that account for a significant proportion of R–32 from China, we extended the four-month period to six months.[6] Commerce published its *Preliminary Determination* on August 27, 2020.

The extended provisional measures period, beginning on the date of publication of the *Preliminary Determination,* ended on February 22, 2021. Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of R–32 from China, entered, or withdrawn, from warehouse, for consumption on or after February 23, 2021, the first day provisional measures were no longer in effect, until and through the day preceding the date of publication of the ITC's final determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Notifications to Interested Parties

This notice constitutes the order with respect to R–32 from China pursuant to section 736(a) of the Act. Interested parties can find a list of orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: March 8, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—

Scope of the Order

The merchandise covered by this order is difluoromethane (R–32), or its chemical equivalent, regardless of form, type or purity level. R–32 has the Chemical Abstracts Service (CAS) registry number of 75–10–5 and the chemical formula CH2 F2. R–32 is also referred to as difluoromethane, HFC–32, FC–32, Freon-32, methylene difluoride, methylene fluoride, carbon fluoride hydride, halocarbon R32, fluorocarbon R32, and UN 3252. Subject merchandise also includes R–32 and unpurified R–32 that are processed in a third country or the United States, including, but not limited to, purifying or any other processing that would not otherwise remove the merchandise from the scope of this order if performed in the country of manufacture of the in-scope R–32. R–32 that has been blended with products other than pentafluoroethane (R–125) is included within this scope if such blends contain 85% or more by volume on an actual percentage basis of R–32. In addition, R–32 that has been blended with any amount of R–125 is included within this scope if such blends contain more than 52% by volume on an actual percentage basis of R–32. Whether R–32 is blended with R–125 or other products, only the R–32 component of the mixture is covered by the scope of this order. The scope also includes R–32 that is commingled with R–32 from sources not subject to this order. Only the subject component of such commingled products is covered by the scope of this order.

Excluded from the current scope is merchandise covered by the scope of the antidumping order on hydrofluorocarbon blends from the People's Republic of China. *See Hydrofluorocarbon Blends from the People's Republic of China: Antidumping Duty Order,* 81 FR 55436 (August 19, 2016) (the *Blends Order*).

R–32 is classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2903.39.2035. Other merchandise subject to the current scope, including the abovementioned blends that are outside the scope of the *Blends Order,* may be classified under 2903.39.2045 and 3824.78.0020. The HTSUS subheadings and CAS registry number are provided for convenience and customs purposes. The written description of the scope of the order is dispositive.

Appendix II—

SEPARATE RATE COMPANIES

Exporter	Producer
Non-Individually Examined Exporters Receiving Separate Rates	Producers Supplying the Non-Individually-Examined Exporters Receiving Separate Rates
Icool International (Hong Kong) Limited	Changshu 3F Zhonghao New Chemical Materials Co., Ltd.
Icool International (Hong Kong) Limited	Zhejiang Zhiyang Chemical Co., Ltd.
Icool International (Hong Kong) Limited	Taizhou Huasheng New Refrigeration Material Co., Ltd.
Icool International (Hong Kong) Limited	Zhejiang Lishui Fuhua Chemical Co., Ltd.
Icool International (Hong Kong) Limited	Zibo Feiyuan Chemical Co., Ltd.
Icool International (Hong Kong) Limited	Jiangsu Meilan Chemical Co., Ltd.
Icool International (Hong Kong) Limited	Taizhou Qingsong Refrigerant New Material Co., Ltd.
Icool International (Hong Kong) Limited	Zhejiang Sanmei Chemical Industry Co., Ltd.
Icool International (Hong Kong) Limited	Shandong Huaan New Material Co., Ltd.
Icool International (Hong Kong) Limited	Liaocheng Fuer New Materials Technology Co., Ltd.
Icool International (Hong Kong) Limited	Ruyuan Dongyangguang Fluorine Co., Ltd.
Icool International (Hong Kong) Limited	Shandong Xinlong Science Technology Co., Ltd.
Icool International (Hong Kong) Limited	Linhai Limin Chemicals Co., Ltd.
Icool International (Hong Kong) Limited	Dongyang Weihua Refrigerants Co., Ltd.
Icool International (Hong Kong) Limited	Zhejiang Fulai Refrigerant Co., Ltd.
Icool International (Hong Kong) Limited	Zhejiang Guomao Industrial Co., Ltd.
Icool International (Hong Kong) Limited	Zhejiang Yonghe Refrigerant Co., Ltd.
Icool International (Hong Kong) Limited	Shanghai Aohong Chemical Co., Ltd.
Ninhua Group Co., Ltd.	Changshu 3F Zhonghao New Chemical Materials Co., Ltd.
Ninhua Group Co., Ltd	Zhejiang Zhiyang Chemical Co., Ltd.
Ninhua Group Co., Ltd	Taizhou Huasheng New Refrigeration Material Co., Ltd.
Ninhua Group Co., Ltd	Zhejiang Lishui Fuhua Chemical Co., Ltd.
Ninhua Group Co., Ltd	Zibo Feiyuan Chemical Co., Ltd.
Ninhua Group Co., Ltd	Jiangsu Meilan Chemical Co., Ltd.
Ninhua Group Co., Ltd	Taizhou Qingsong Refrigerant New Material Co., Ltd.

[6] *See Preliminary Determination,* 85 FR at 52952.

SEPARATE RATE COMPANIES—Continued

Exporter	Producer
Non-Individually Examined Exporters Receiving Separate Rates	Producers Supplying the Non-Individually-Examined Exporters Receiving Separate Rates
Ninhua Group Co., Ltd	Zhejiang Sanmei Chemical Industry Co., Ltd.
Ninhua Group Co., Ltd	Shandong Huaan New Material Co., Ltd.
Ninhua Group Co., Ltd	Liaocheng Fuer New Materials Technology Co., Ltd.
Ninhua Group Co., Ltd	Ruyuan Dongyangguang Fluorine Co., Ltd.
Ninhua Group Co., Ltd	Shandong Xinlong Science Technology Co., Ltd.
Ninhua Group Co., Ltd	Linhai Limin Chemicals Co., Ltd.
Ninhua Group Co., Ltd	Dongyang Weihua Refrigerants Co., Ltd.
Ninhua Group Co., Ltd	Zhejiang Fulai Refrigerant Co., Ltd.
Ninhua Group Co., Ltd	Zhejiang Guomao Industrial Co., Ltd.
Ninhua Group Co., Ltd	Zhejiang Yonghe Refrigerant Co., Ltd.
Ninhua Group Co., Ltd	Shanghai Aohong Chemical Co., Ltd.
Shandong Huaan New Material Co., Ltd	Shandong Huaan New Material Co., Ltd.
T.T. International Co., Ltd	Sinochem Lantian Fluoro Materials Co., Ltd.
T.T. International Co., Ltd	Zhejiang Sanmei Chemical Industry Co., Ltd.
T.T. International Co., Ltd	Shandong Huaan New Material Co., Ltd.
Zhejiang Sanmei Chemical Ind. Co., Ltd	Jiangsu Sanmei Chemical Ind. Co., Ltd.
Zhejiang Sanmei Chemical Ind. Co., Ltd	Fujian Qingliu Dongying Chemical Co., Ltd.

[FR Doc. 2021–05099 Filed 3–10–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0035]

Agency Information Collection Activities; Comment Request; Follow-Up Surveys to the 2020–21 NTPS: 2021–22 Teacher Follow-Up Survey (TFS) and 2021–22 Principal Follow-Up

AGENCY: Institute of Educational Science (IES), National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement with change of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before May 10, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0035. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208B, Washington, DC 20202–8240.

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

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

Title of Collection: FOLLOW-UP SURVEYS TO THE 2020–21 NTPS: 2021–22 Teacher Follow-Up Survey (TFS) and 2021–22 Principal Follow-Up.

OMB Control Number: 1850–0617.

Type of Review: Reinstatement with change of a previously approved information collection.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 25,688.

Total Estimated Number of Annual Burden Hours: 5,136.

Abstract: This request is to conduct data collection for the two follow-up surveys to the 2020–21 National Teacher and Principal Survey (NTPS)—the 2021–22 Teacher Follow-up Survey (TFS) and the 2021–22 Principal Follow-up Survey (PFS). The 2021–22 TFS is a one-year follow up of a subsample of teachers who responded to the 2020–21 NTPS, and the 2021–22 PFS is a one-year follow up of principals who responded to the 2020–21 NTPS. TFS and PFS are conducted by the National Center for Education Statistics (NCES), of the Institute of Education Sciences (IES), within the U.S. Department of Education (ED). The 2021–22 TFS and 2021–22 PFS, like earlier TFS and PFS collections, will measure the one-year attrition rates of

teachers and principals, respectively, who leave the profession and will permit comparisons of stayers, movers, and leavers to fulfill the legislative mandate for NCES to report on the ''condition of education in the United States.'' ''Stayers'' are teachers or principals who remain in the same school between the NTPS year of data collection and the follow-up year. ''Movers'' are teachers or principals who stay in the profession but change schools between the NTPS year and the follow-up year. ''Leavers'' are NTPS respondents who leave the teaching or principal profession between the NTPS year and the follow-up year. The 2021–22 TFS analysis file will include TFS data in addition to data collected in the 2020–21 NTPS on teacher characteristics, qualifications, perceptions of the school environment and the teaching profession, and a host of other topics. Prior TFS data have played an important role in improving the understanding of teacher supply and demand and the conditions that affect the balance between the two. NTPS and TFS provide national data on turnover in the teacher workforce, including rates of entry and attrition from teaching, sources and characteristics of newly hired teachers, and characteristics and destinations of Leavers. These data help shift the debate from the issue of teacher quantity to teacher quality; that is, from a focus on teacher shortages measured in terms of the numbers of teaching positions left vacant to the qualifications of teachers who are hired and retained to fill teaching positions. The cross-sectional repeated design of TFS allows the analysis of trends related to these topics. The 2021–22 PFS analysis file will include PFS data in addition to data on principal characteristics, qualifications, and perceptions of the school environment from data collected in the 2020–21 NTPS. Together, NTPS and PFS will provide national data on turnover in the principal workforce, including rates of entry and attrition from principalship, sources and characteristics of newly hired principals, characteristics and destinations of leavers, and thanks to the cross-sectional repeated design of PFS, analyses of trends related to these topics. This clearance request is to conduct both 2021–22 NTPS follow-up surveys (TFS and PFS), including all recruitment and data collection activities. This request seeks authorization for 2021–22 TFS and 2021–22 PFS under the TFS single OMB number (OMB# 1850–0617).

Dated: March 8, 2021.

Stephanie Valentine,

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

[FR Doc. 2021–05061 Filed 3–10–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–11–000]

Reliability Technical Conference; Notice of Technical Conference

Take notice that the Federal Energy Regulatory Commission (Commission) will convene its annual Commissioner-led Reliability Technical Conference in the above-referenced proceeding on Thursday, September 30, 2021 from approximately 9:00 a.m. to 5:00 p.m. Eastern time. The conference will be held either in-person—at the Commission's headquarters at 888 First Street NE, Washington, DC 20426 in the Commission Meeting Room (with a WebEx option available)—or electronically.

The purpose of this conference is to discuss policy issues related to the reliability of the Bulk-Power System.

The conference will be open for the public to attend, and there is no fee for attendance. Supplemental notices will be issued prior to the conference with further details regarding the agenda, how to register to participate, and the format (including whether the technical conference will be held in-person or electronically). Information on this technical conference will also be posted on the Calendar of Events on the Commission's website, *www.ferc.gov,* prior to the event.

The conference will also 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,* call toll-free (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 Lodie White at *Lodie.White@ferc.gov* or (202) 502–8453. For information related to logistics, please contact Sarah McKinley at *Sarah.Mckinley@ferc.gov* or (202) 502–8368.

Dated: March 5, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–05066 Filed 3–10–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–59–000]

Columbia Gas Transmission, LLC.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on February 24, 2021, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 1300, Houston, TX 77002–2700 filed in the above referenced docket a prior notice pursuant to sections 157.205 and 157.216 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act, requesting authorization to abandon three injection/withdrawal wells and associated pipelines and appurtenances, located in its Ripley and Terra Alta Storage Fields in Jackson and Preston Counties, West Virginia (2021 Ripley and Terra Alta Wells Abandonment Project or Project). Columbia proposes to abandon these facilities under authorities granted by its blanket certificate issued in Docket No. CP83–76–000.[1] The proposed abandonments will have no impact on Columbia's existing customers or affect Columbia's existing storage operations. The estimated cost for the Project is approximately $1.6 million, 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

[1] *Columbia Gas Transmission Corporation* (predecessor to Columbia Gas Transmission, LLC), 22 FERC ¶ 62,029 (1983).

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 Sorana Linder, Director, Modernization & Certificates, (832) 320–5209, *sorana_linder@tcenergy.com,* Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, TX 77002–2700.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[2] within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

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 May 4, 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,[3] any person [4] 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,[5] and must be submitted by the protest deadline, which is May 4, 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 [6] and the regulations under the NGA [7] by the intervention deadline for the project, which is May 4, 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 May 4, 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 CP21–59–000 in your submission.

(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''; or [8]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP21–59–000.

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.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: *sorana_linder@tcenergy.com,* 700 Louisiana Street,

[2] 18 CFR (Code of Federal Regulations) § 157.9.

[3] 18 CFR 157.205.

[4] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[5] 18 CFR 157.205(e).

[6] 18 CFR 385.214.

[7] 18 CFR 157.10.

[8] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

Suite 1300, Houston, TX 77002–2700. 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.*

Dated: March 5, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–05062 Filed 3–10–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EC21–64–000.

Applicants: Tumbleweed Solar, LLC, Tumbleweed Energy Storage, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Tumbleweed Solar, LLC, et al.

Filed Date: 3/4/21.

Accession Number: 20210304–5131.

Comments Due: 5 p.m. ET 3/25/21.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21–100–000.

Applicants: PGR 2020 Lessee 8, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of PGR 2020 Lessee 8, LLC.

Filed Date: 3/5/21.

Accession Number: 20210305–5113.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: EG21–101–000.

Applicants: Sugar Solar, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Sugar Solar, LLC.

Filed Date: 3/5/21.

Accession Number: 20210305–5114.

Comments Due: 5 p.m. ET 3/26/21.

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

Docket Numbers: ER21–746–001.

Applicants: Mayflower Power & Gas LLC.

Description: Tariff Amendment: Amendment to 1 to be effective 4/1/2021.

Filed Date: 3/4/21.

Accession Number: 20210304–5168.

Comments Due: 5 p.m. ET 3/25/21.

Docket Numbers: ER21–815–001.

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

Description: Tariff Amendment: Amendment to Service Agreement No. 726 to be effective 12/30/2020.

Filed Date: 3/4/21.

Accession Number: 20210304–5178.

Comments Due: 5 p.m. ET 3/25/21.

Docket Numbers: ER21–1073–001.

Applicants: DATC SLTP, LLC.

Description: Tariff Amendment: Amendment to 2 to be effective 4/11/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5212.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1075–001.

Applicants: DATC Midwest Holdings, LLC.

Description: Tariff Amendment: Amendment to 10 to be effective 4/11/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5210.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1271–001.

Applicants: Georgia Power Company.

Description: Tariff Amendment: Errata to Rabun Gap Enhanced Reliability Upgrade Construction Agreement Filing to be effective 2/23/2021.

Filed Date: 3/4/21.

Accession Number: 20210304–5191.

Comments Due: 5 p.m. ET 3/25/21.

Docket Numbers: ER21–1272–001.

Applicants: Mississippi Power Company.

Description: Tariff Amendment: Errata to Rabun Gap Enhanced Reliability Upgrade Construction Agreement Filing to be effective 2/23/2021.

Filed Date: 3/4/21.

Accession Number: 20210304–5192.

Comments Due: 5 p.m. ET 3/25/21.

Docket Numbers: ER21–1274–000.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.

Description: § 205(d) Rate Filing: 2021–03–05 SA 2771 ATC-Cloverland 1st Rev CFA to be effective 5/5/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5023.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1275–000.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.

Description: § 205(d) Rate Filing: 2021–03–05 SA 2774 ATC-City of Cedarburg 1st Rev CFA to be effective 5/5/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5026.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1276–000.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.

Description: § 205(d) Rate Filing: 2021–03–05_SA 2793 ATC-City of Eagle River 1st Rev CFA to be effective 5/5/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5032.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1277–000.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.

Description: § 205(d) Rate Filing: 2021–03–05_SA 2794 ATC-City of Gladstone 1st Rev CFA to be effective 5/5/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5033.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1278–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: § 205(d) Rate Filing: ISO–NE and NEPOOL; Revisions to NYISO Coordination Agreement to be effective 5/4/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5076.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1279–000.

Applicants: Southern California Edison Company.

Description: Tariff Cancellation: Cancel WAPA 161–KV Interconnection and Operation RS 482 GAC028 to be effective 5/5/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5110.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1280–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: SCE submits New TO Tariff Appendix XIV, Morongo Transmission WOD Formula Rate to be effective 5/5/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5131.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1281–000.

Applicants: Arkansas Electric Cooperative Corporation.

Description: Annual Informational Attachment O filing of Arkansas Electric Cooperative Corporation.

Filed Date: 3/5/21.

Accession Number: 20210305–5145.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1282–000.

Applicants: Arkansas Electric Cooperative Corporation.

Description: Annual Informational Attachment H filing of Arkansas Electric Cooperative Corporation.

Filed Date: 3/5/21.

Accession Number: 20210305–5147.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1283–000.

Applicants: New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.

Description: § 205(d) Rate Filing: 205: Joint TPIA among NYISO, NMPC and Transco, SA 2599 to be effective 2/19/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5152.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1284–000.

Applicants: New York State Electric & Gas Corporation.

Description: § 205(d) Rate Filing: Revisions to 2020 Facilities Agreement Update to be effective 3/6/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5183.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1285–000.

Applicants: NSTAR Electric Company.

Description: § 205(d) Rate Filing: Design and Engineering Agreement ? Vineyard Wind LLC to be effective 3/6/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5196.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1286–000.

Applicants: New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 205: NYISO ISO–NE Coordination Agreement to be effective 5/5/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5197.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1287–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2021–03–05_OATT Gen Mod & Replcmt Proc to be effective 5/5/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5213.

Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1288–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2021–03–05 Transmission Control Agreement Amendment to Add Morongo Transmission to be effective 5/6/2021.

Filed Date: 3/5/21.

Accession Number: 20210305–5246.

Comments Due: 5 p.m. ET 3/26/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 5, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–05069 Filed 3–10–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–13–000]

Climate Change, Extreme Weather, and Electric System Reliability; Notice of Technical Conference

Take notice that Federal Energy Regulatory Commission (Commission) staff will convene a technical conference to discuss issues surrounding the threat to electric system reliability posed by climate change and extreme weather events. Commissioners may attend and participate in the technical conference.

Reliable electric service is vital to the nation's economy, national security, and public health and safety, and prolonged power outages can have significant humanitarian consequences, as the nation recently witnessed in Texas and the south-central United States. This technical conference will address concerns that because extreme weather events are increasing in frequency,[1] intensity, geographic expanse, and duration, the number and severity of weather-induced events in the electric power industry may also increase.[2]

This technical conference will also address the specific challenges posed to electric system reliability by climate change and extreme weather, which may vary by region. For example, addressing the reliability challenges associated with wildfires may not be appropriate in a region where a different challenge, such as weather-driven fuel supply interruptions, is more likely to occur.

Through this proceeding in Docket No. AD21–13–000, the Commission seeks to understand the near, medium and long-term challenges facing the regions of the country; how decisionmakers in the regions are evaluating and addressing those challenges; and whether further action from the Commission is needed to help achieve an electric system that can withstand, respond to, and recover from extreme weather events.

The technical conference will be held on the afternoons of Tuesday, June 1, 2021 and Wednesday, June 2, 2021 from approximately 1 p.m. to 5:00 p.m. Eastern Time each day. The technical conference will be held via teleconference (over WebEx) and will be open to the public. Registration for the conference is not required and there is no fee for attendance. A supplemental notice will be issued seeking comments prior to the technical conference. Following comment submissions, an additional supplemental notice will be issued with further details regarding the technical conference agenda, as well as

[1] According to a recent report from the National Oceanic and Atmospheric Administration, extreme weather events topping $1 billion in estimated damages and costs are occurring with increasing frequency. NOAA National Centers for Environmental Information (NCEI) U.S. Billion-Dollar Weather and Climate Disasters (2021). *https://www.ncdc.noaa.gov/billions/, https://www.doi.org/10.25921/stkw-7w73.*

[2] *See, e.g., Quadrennial Energy Review, Transforming the Nation's Electricity System: The Second Installment of the QER, January 2017* at 4–2 (''The leading cause of power outages in the United States is extreme weather, including heat waves, blizzards, thunderstorms, and hurricanes. Events with severe consequences are becoming more frequent and intense due to climate change, and these events have been the principal contributors to an observed increase in the frequency and duration of power outages in the United States.'').

any changes in timing or logistics. Information will also 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,* call toll-free (866) 208–3372 (voice) or (202) 208–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

Individuals interested in participating as panelists should self-nominate through the WebEx registration form by 5:00 p.m. Eastern Time on Wednesday, April 7, 2021 at: *https://ferc.webex.com/ferc/onstage/g.php?MTID=eff91ed43b5be08b7808828631394b5c5.*

For more information about this technical conference, please contact Rahim Amerkhail, 202–502–8266, *rahim.amerkhail@ferc.gov* for technical questions or Sarah McKinley, 202–502–8368, *sarah.mckinley@ferc.gov* for logistical issues.

Dated: March 5, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–05067 Filed 3–10–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2533–062]

Brainerd Public Utilities; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and 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:* New Major License.

b. *Project No.:* 2533–062.

c. *Date Filed:* March 1, 2021.

d. *Applicant:* Brainerd Public Utilities.

e. *Name of Project:* Brainerd Hydroelectric Project (Brainerd Project).

f. *Location:* The Brainerd Project is located on the Mississippi River, in the City of Brainerd, in Crow Wing County, Minnesota. The project does not occupy federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Scott Magnuson, Superintendent, Brainerd Public Utilities, 8027 Highland Scenic Road, P.O. Box 273, Brainerd, MN 56401. Phone (218) 825–3213 or email at *smagnuson@bpu.org.*

i. *FERC Contact:* Patrick Ely at (202) 502–8570 or email at *patrick.ely@ferc.gov.*

j. This application is not ready for environmental analysis at this time.

k. *The Brainerd Project consists of:* (1) A short left embankment; (2) a 256-foot-long powerhouse containing five turbine generators with a totaled installed capacity of 2.9425 megawatts (MW); (3) a 78-foot-long slide gate section; (4) a 207-foot-long bascule (crest) gate section; (5) a single 20-foot-wide steel Tainter gate; (6) a 200-foot-long right embankment; (7) a 236-foot-long, 2.4-kilovolt overhead transmission line; (8) a 25-foot-high dam; and (9) 2,500-acre impoundment.

The Brainerd Project is operated in a run-of-river mode with an estimated annual energy production of approximately 19,392 megawatt hours. Brainerd Public Utilities proposes to continue operating the project as a run-of-river facility and does not propose any new construction to the project. A license amendment allows for a sixth turbine generator unit, which would increase the total installed capacity to 3.5425 MW. The sixth turbine generator unit has not yet been installed. *See* 156 FERC ¶ 62,045 (2016).

l. A copy of the application can be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. 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).

m. 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. *Procedural schedule:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Deficiency Letter (if necessary).	April 2021.
Request Additional Information.	April 2021.
Notice of Acceptance/Notice of Ready for Environmental Analysis.	August 2021.

o. 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: March 5, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–05064 Filed 3–10–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–9–000]

The Office of Public Participation; Notice of Virtual Listening Sessions and a Public Comment Period

Take notice that the Federal Energy Regulatory Commission (Commission) staff will convene, in the above-referenced proceeding, virtual listening sessions from March 17, 2021 to March 25, 2021, to solicit public input on how the Commission should establish and operate the Office of Public Participation (OPP) pursuant to section 319 of the Federal Power Act (FPA) (16 U.S.C. 825q–1). The public may also submit written comments by April 23, 2021. The listening sessions will be led by Commission staff, and may be attended by one or more Commissioners.

In December 2020, Congress directed the Commission to provide a report, by June 25, 2021, detailing its progress towards establishing the OPP. Section 319 of the FPA directs the Commission to establish the OPP to ''coordinate assistance to the public with respect to authorities exercised by the Commission,'' including assistance to those seeking to intervene in Commission proceedings. (16 U.S.C. 825q–1). A February 22, 2021 notice announced a Commissioner-led workshop to be held on April 16, 2021, from 9:00 a.m. to 5:00 p.m. Eastern time, and requested speaker nominations by March 10, 2021. The February 22, 2021 notice can be found on the Commission's website and eLibrary.

Commission staff plan to hold listening sessions to hear from several

stakeholder groups. The sessions will give members of the public an opportunity to provide their thoughts and ideas on how the Commission should create the OPP to encourage and facilitate public participation. Following a brief introduction from Commission staff, each session will be open to the public for 3–5 minutes of comment per participant. The Commission plans to hold the following sessions:

- Landowners and Communities Affected by Infrastructure Development, Wednesday, March 17, 2021, 1:00 to 2:30 p.m.
- Environmental Justice Communities and Tribal Interests, Monday, March 22, 2021, 1:00 to 2:30 p.m.
- Tribal Governments, Wednesday, March 24, 2021, at 10:00 to 11:30 a.m. (session 1); 1:00 to 2:30 p.m. (session 2).
- Energy Consumers and Consumer Advocates, Thursday, March 25, 2021, 1:00 to 2:30 p.m.

In advance of the listening sessions, participants may wish to consider the issues listed below:

1. Section 319 of the FPA states that the OPP will be administered by a Director. (16 U.S.C. 825q–1(a)(2)(A)). In addition to the Director, how should the office be structured?

2. Should the Commission consider creating an advisory board for OPP? If so, what role would the board serve and who should be on the board?

3. How should the OPP coordinate assistance to persons intervening or participating, or seeking to intervene or participate, in a Commission proceeding?

4. To what extent do you, or the organization you represent, currently interact with the Commission? What has hindered or helped your ability to participate in Commission proceedings?

5. Have you engaged with other governmental entities—such as local, state, and other federal agencies—on matters involving your interests? If so, how did those agencies engage in outreach, and what practices improved your ability to participate in their processes?

6. How should the OPP engage with Tribal Governments, environmental justice communities, energy consumers, landowners, and other members of the public affected by Commission proceedings?

7. Section 319 of the FPA allows the Commission to promulgate rules to offer compensation for attorney fees and other expenses to intervenors and participants who substantially contribute to a significant Commission proceeding if participation otherwise would result in significant financial hardship. (16 U.S.C. 825q–1(b)(2)). How should the Commission approach the issue of intervenor compensation? What should the OPP's role be with respect to intervenor compensation? How should the Commission establish a budget for and fund intervenor compensation? What lessons can the Commission learn from the administration of similar state intervenor compensation programs?

The sessions will be open for the public to attend, and there is no fee for attendance. Listening sessions will be audio-only. Call-in information details, including preregistration, can be found on the OPP website. Information will also be posted on the Calendar of Events on the Commission's website, *www.ferc.gov,* prior to the event. The listening sessions will be transcribed and placed into the record approximately one week after the session date.

The listening sessions will be 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 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

The public may also submit written comments on these topics to the record in Docket No. AD21–9–000 by Friday, April 23, 2021. Please file comments 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).

For questions about the listening sessions, please contact Stacey Steep of the Office of General Counsel at (202) 502–8148, or send an email to *OPPWorkshop@ferc.gov,* and Sarah McKinley, (202) 502–8368, *sarah.mckinley@ferc.gov,* for logistical issues.

Dated: March 5, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–05065 Filed 3–10–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR21–4–000]

Navigator Borger Express LLC; Notice of Petition for Declaratory Order

Take notice that on February 26, 2021 pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207,[1] Navigator Borger Express LLC (Navigator), filed a petition for declaratory order (Petition) requesting that the Commission issue a declaratory order approving the requested rulings set forth herein related to a project it is developing that is designed to provide transportation of crude oil from Cushing, Oklahoma to Borger, Texas (Borger Express System or Project).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to

[1] Pursuant to 18 CFR 381.302, the NYISO has electronically submitted the applicable filing fee. See Update of Annual Filing Fees, 169 FERC ¶ 61,167 (2019).

Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern time on March 30, 2021.

Dated: March 5, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–05070 Filed 3–10–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2019–0504; FRL–10021–30–ORD]

Availability of the Systematic Review Protocol for the Inorganic Mercury Salts Integrated Risk Information System (IRIS) Assessment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a 30-day public comment period associated with release of the Systematic Review Protocol for the Inorganic Mercury Salts IRIS Assessment. This document communicates the rationale for conducting the assessment of inorganic mercury salts, describes screening criteria to identify relevant literature, outlines the approach for evaluating study quality, and describes the methods for dose-response analysis.

DATES: The 30-day public comment period begins March 11, 2021 and ends April 12, 2021. Comments must be received on or before April 12, 2021.

ADDRESSES: The Systematic Review Protocol for Inorganic Mercury Salts will be available via the internet on the IRIS website at *https://www.epa.gov/iris* and in the public docket at *http://www.regulations.gov,* Docket ID: EPA–HQ–ORD–2019–0504.

FOR FURTHER INFORMATION CONTACT: For information on the docket, contact the ORD Docket at the EPA Headquarters Docket Center; email: *Docket_ORD@epa.gov.*

For technical information on the protocol, contact Mr. Dahnish Shams, Center for Public Health & Environmental Assessment; email: *shams.dahnish@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Information on the IRIS Program and Systematic Review Protocols

EPA's IRIS Program is a human health assessment program that evaluates quantitative and qualitative information on effects that may result from exposure to chemicals found in the environment. Through the IRIS Program, EPA provides high quality science-based human health assessments to support the Agency's regulatory activities and decisions to protect public health.

As part of developing a draft IRIS assessment, EPA presents a methods document, referred to as the protocol, for conducting a chemical-specific systematic review of the available scientific literature. EPA is seeking public comment on components of the protocol including the described strategies for literature searches, criteria for study inclusion or exclusion, considerations for evaluating study methods, information management for extracting data, approaches for synthesis within and across lines of evidence, and methods for derivation of toxicity values. Additionally, key science issues that warrant consideration in this assessment are identified in Section 6. The protocol serves to inform the subsequent development of the draft assessment and is made available to the public. EPA may update the protocol based on the evaluation of the literature, and any updates will be posted to the docket and on the IRIS website.

II. How To Submit Technical Comments to the Docket at *http://www.regulations.gov*

Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2019–0504 for inorganic mercury salts, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: Docket_ORD@epa.gov.*
- *Fax:* 202–566–9744. Due to COVID–19, there may be a delay in processing comments submitted by fax.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center (ORD Docket), Mail Code: 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460. The phone number is 202–566–1752. Due to COVID–19, there may be a delay in processing comments submitted by mail.

For information on visiting the EPA Docket Center Public Reading Room, visit *https://www.epa.gov/dockets.* Due to public health concerns related to COVID–19, the EPA Docket Center and Reading Room may be closed to the public with limited exceptions. The telephone number for the Public Reading Room is 202–566–1744. The public can submit comments via *www.Regulations.gov* or email.

Instructions: Direct your comments to EPA–HQ–ORD–2019–0504 for inorganic mercury salts. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked ''late,'' and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at *https://www.regulations.gov,* including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information for which disclosure is restricted by statute. Do not submit information through *https://www.regulations.gov* or email that you consider to be CBI or otherwise protected. The *https://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *https://www.regulations.gov,* 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. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Docket: Documents in the docket are listed in the *https://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 materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in *https://www.regulations.gov* or as a hard copy at the ORD Docket in the EPA Headquarters Docket Center.

Wayne Cascio,

Director, Center for Public Health & Environmental Assessment.

[FR Doc. 2021–05084 Filed 3–10–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10021–03–Region 8]

Public Water System Supervision Program Revision for the State of Colorado

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Public notice is hereby given that the state of Colorado has revised its Public Water System Supervision (PWSS) Program by adopting federal regulations for the Revised Total Coliform Rule (RTCR) that correspond to the National Primary Drinking Water Regulations (NPDWR). EPA has reviewed Colorado's regulations and determined they are no less stringent than the federal regulations. EPA is proposing to approve the RTCR for Colorado.

This approval action does not extend to public water systems in Indian country. Please see **SUPPLEMENTARY INFORMATION**, Unit B.

DATES: Any interested parties may request a public hearing on this determination by April 12, 2021. Please see **SUPPLEMENTARY INFORMATION**, Unit C, for details. Should no timely and appropriate request for a hearing be received, and the Regional Administrator (RA) does not elect to hold a hearing on his/her own motion, this determination shall become applicable April 12, 2021 and no further notice will be issued.

ADDRESSES: Requests for a public hearing should be submitted to: Robert Clement by email at *clement.robert@epa.gov* or by phone (303) 312–6653.

FOR FURTHER INFORMATION CONTACT: Robert Clement, Drinking Water B Section, EPA Region 8, Denver, Colorado by email at *clement.robert@epa.gov* or by phone toll-free at 1–(800) 227–8917 extension 312–6653, or directly at (303) 312–6653.

SUPPLEMENTARY INFORMATION: In accordance with section 1413 of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300g–2, and 40 CFR 142.13, public notice is hereby given that the state of Colorado has revised its PWSS program by adopting federal regulations for the RTCR that correspond to the NPDWR in 40 CFR parts 141 and 142. EPA has reviewed Colorado's regulations and determined they are no less stringent than the federal regulations. EPA is proposing to approve Colorado's primacy revision for the RTCR. This approval action does not extend to public water systems in Indian country as defined in 18 U.S.C. 1151. Please see **SUPPLEMENTARY INFORMATION**, Unit B.

A. Why are revisions to State programs necessary?

States with primary PWSS enforcement authority must comply with the requirements of 40 CFR part 142 to maintain primacy. They must adopt regulations that are at least as stringent as the NPDWRs at 40 CFR parts 141 and 142, as well as adopt all new and revised NPDWRs in order to retain primacy (40 CFR 142.12(a)).

B. How does this action affect Indian country (18 U.S.C. 1151) in Colorado?

EPA's approval of Colorado's revised PWSS program does not extend to Indian country as defined in 18 U.S.C. 1151. Indian country in Colorado generally includes (1) lands within the exterior boundaries of the following Indian reservations located within Colorado, in part or in full: The Southern Ute Indian Reservation and the Ute Mountain Ute Reservation; (2) any land held in trust by the United States for an Indian tribe; and (3) any other areas which are ''Indian country'' within the meaning of 18 U.S.C. 1151. EPA or eligible Indian tribes, as appropriate, will retain PWSS program responsibilities over public water systems in Indian country.

C. Requesting a Hearing

Any interested party may request a hearing on this determination within thirty (30) days of this notice. All requests shall include the following information: Name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of interest and information to be submitted at the hearing; and a signature of the interested individual or responsible official, if made on behalf of an organization or other entity. Frivolous or insubstantial requests for a hearing may be denied by the RA.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing and will be made by the RA in the **Federal Register** and in a newspaper of general circulation in the state. A notice will also be sent to both the person(s) requesting the hearing and the state. The hearing notice will include a statement of purpose of the hearing, information regarding time and location for the hearing, and the address and telephone number where interested persons may obtain further information. The RA will issue an order affirming or rescinding the determination upon review of the hearing record.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: March 5, 2021.

Debra H. Thomas,

Acting Regional Administrator Region 8.

[FR Doc. 2021–05020 Filed 3–10–21; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities: Existing Collection

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final Notice of Information Collection—Extension without change of a currently approved collection Local Union Report (EEO–3) and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Equal Employment Opportunity Commission (EEOC or Commission) announces that it is submitting to the Office of Management and Budget (OMB) a request for a three-year extension without change of the existing Local Union Report (EEO–3) (EEOC Form 274) as described below.

DATES: Written comments on this notice are encouraged and must be submitted on or before April 12, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Rashida Dorsey, Employer Data Team, Data Development and Information Products Division, Equal Employment Opportunity Commission, 131 M Street NE, Room 4SW32J, Washington, DC 20507; (202) 663–4355 (voice), (202) 663–7063 (TTY) or email at *Rashida.Dorsey@eeoc.gov.*

SUPPLEMENTARY INFORMATION: A notice that the EEOC would be submitting this request was published in the **Federal Register** on November 19, 2020, allowing for a 60-day public comment period. No comments were received from the public during the 60-day public comment period.

Overview of Information Collection

Collection Title: Local Union Report (EEO–3).

OMB Number: 3046–0006.

Frequency of Report: Biennial.

Type of Respondent: Local referral unions with 100 or more members.

Description of Affected Public: Local referral unions and independent or unaffiliated referral unions and similar labor organizations.

Responses: 1,100 [1] per biennial collection.

Reporting Hours: 2,252 per biennial collection.

Burden Hour Cost: $70,415.95 per biennial collection.

Federal Cost: $390,120.85 per biennial collection.

Number of Forms: 1.

Form Number: EEOC Form 274.

Abstract: Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–8(c), requires labor organizations to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed and produce reports required by the EEOC. Accordingly, the EEOC issued regulations, 29 CFR 1602.22 and 1602.27–.28, which set forth the reporting requirements and related record retention policies for various kinds of labor organizations. 29 CFR 1602.22 requires every local union to retain the most recent report filed, and 29 CFR 1602.27–.28 require filers to make records necessary for completion of the EEO–3 and preserve them for a year (or if a charge of discrimination is filed, relevant records must be retained until final disposition of the matter). 29 CFR 1602.22 and 1602.27–.28 are related to recordkeeping which is part of standard administrative practices, and as a result, the EEOC believes that any impact on burden would be negligible and nearly impossible to quantify. Local referral unions with 100 or more members have been required to submit EEO–3 reports since 1967 (biennially since 1986). The EEOC uses EEO–3 data for research and to investigate charges of discrimination. The individual reports are confidential.

Burden Statement: The methodology for calculating annual burden reflects the different staff that are responsible for preparing and filing the EEO–3. These estimates stem from a limited study that was conducted in 2015 with nine EEO–3 respondents. The EEOC accounts for time to be spent biennially on EEO–3 reporting by business agents and administrative staff, as well as time spent by attorneys who, in a few cases, may consult briefly during the reporting process. The estimated number of respondents included in the biennial EEO–3 collection is 1,100 local referral unions, as this is the approximate number of filers from the 2018 reporting cycle. The estimated hour burden per report will be 2.05 hours, and the estimated total biennial respondent burden hours will be 2,251.80. Burden hour cost was calculated using median hourly wage rates for administrative staff and legal counsel, and average hourly wage rates for labor union business agents.

The burden hour cost per report will be $67.33, and the estimated total burden hour cost per biennial collection will be $70,415.95 (See Table 1 for calculations).

TABLE 1—ESTIMATE OF BIENNIAL BURDEN FOR EEO–3 REPORT

Local referral union staff	Hourly wage rate [a]	Hours per local	Cost per local	Total burden hours	Total burden hour cost
Secretaries and Administrative Assistants	$18.84	1	$18.84	1,100	$20,724.00
Business Agent	45.00	1	45.00	1,100	49,500.00
Corporate Legal Counsel	69.86	0.05	3.49	55	191.95
Total		2.05	67.33	2,251.80	70,415.95

Note: A limited study was conducted by the EEOC of local referral union EEO–3 respondents. The methodology included surveying nine local referral union respondents by asking a series of survey questions approved by the EEOC's Office of Legal Counsel regarding the type of local union staff involved in submitting EEO–3 data. The EEOC asked responding study participants to estimate how long on average it took identified local union staff members to complete the EEO–3 report and what proportion of that time was allocated to each staff member job title. The burden hours per local union by job title, 2.05, is estimated based on filer responses. The results of the study were published in the Final Notice of Submission for OMB Review—Extension Without Change: Local Union Report (EEO–3) on January 24, 2017: *https://www.federalregister.gov/documents/2017/01/24/2017-01558/agency-information-collection-activities-proposed-collection-submission-for-omb-review.*

[a] Hourly wage rates for administrative staff and legal counsel were obtained from the Bureau of Labor Statistics, May 2019 (see U.S. Dept. of Labor, Bureau of Labor Statistics, Occupational Outlook Handbook, *https://www.bls.gov/oes/current/oes_stru.htm*) and the average hourly wage rate for a labor union business agent was obtained from salaryexpert.com (see *https://www.salaryexpert.com/salary/job/labor-union-business-agent/united-states*).

These estimates are based upon filers' use of the EEO–3 online web-based application system to submit reports. During the 2018 EEO–3 collection cycle, approximately 1,100 local referral unions were identified as being eligible to report EEO–3 data, and all but 31 of the 975 responsive EEO–3 filers submitted their data electronically. Online electronic filing remains the most popular, efficient, accurate, and secure means of reporting for respondents required to submit the EEO–3 report. The EEOC has made online electronic filing much easier for respondents required to file the EEO–3 report and as a result, more respondents are using this method. Accordingly, the EEOC will continue to encourage EEO–3 filers to submit data through online electronic filing and will only accept paper records from filers who have secured permission to submit data via paper submission.

Dated: March 5, 2021.

For the Commission.

Charlotte A. Burrows,

Chair.

[FR Doc. 2021–05058 Filed 3–10–21; 8:45 am]

BILLING CODE 6570–01–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities: Existing Collection

AGENCY: Equal Employment Opportunity Commission.

[1] This figure is based on the total number of respondents who were eligible to submit EEO–3 data in 2018, which is the most recently completed EEO–3 data year.

ACTION: Notice of Information Collection—Extension without change of a currently approved collection Elementary-Secondary Staff Information Report (EEO–5) and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Equal Employment Opportunity Commission (EEOC or Commission) announces that it is submitting to the Office of Management and Budget (OMB) a request for a three-year extension without change of the Elementary-Secondary Staff Information Report (EEO–5) (EEOC Form 168A) as described below.

DATES: Written comments on this notice are encouraged and must be submitted on or before April 12, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Rashida Dorsey, Employer Data Team, Data Development and Information Products Division, Equal Employment Opportunity Commission, 131 M Street NE, Room 4SW32J, Washington, DC 20507; (202) 663–4355 (voice), (202) 663–7063 (TTY) or email at *rashida.dorsey@eeoc.gov.*

SUPPLEMENTARY INFORMATION: A notice that EEOC would be submitting this request was published in the **Federal Register** on November 19, 2020, allowing for a 60-day public comment period. One comment was received from the public; however, it did not address the EEO–5 information collection. Accordingly, no changes have been made to the EEO–5 collection based upon the unresponsive comment.

Overview of Information Collection

Collection Title: Elementary-Secondary Staff Information Report (EEO–5).

OMB Number: 3046–0003.

Frequency of Report: Biennial, even years.

Type of Respondent: Public elementary and secondary school districts with 100 or more employees within the 50 U.S. states and District of Columbia.

Description of Affected Public: Public elementary and secondary school districts with 100 or more employees within the 50 U.S. states and District of Columbia.

Responses: 7,082 per biennial collection.

Reporting Hours: 120,901.07 per biennial collection.

Burden Hour Cost: $4,055,001.76 per biennial collection.

Federal Cost: $240,120.85 per biennial collection.

Number of Forms: 1.

Form Number: EEOC Form 168A.

Abstract: Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–8(c), requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed, to preserve such records, and to produce reports as the Commission prescribes by regulation or order. Accordingly, the EEOC issued regulations, 29 CFR 1602.39 and .41–.45, prescribing the reporting and related record retention requirements for public elementary and secondary school districts. 29 CFR 1602.39 requires school districts to make or keep all records necessary for completion of an EEO–5 submission and retain those records for three years. 29 CFR 1602.41 requires EEO–5 filers to retain a copy of each filed EEO–5 report for three years. These requirements are related to recordkeeping which is part of standard administrative practices, and as a result, the EEOC believes that any impact on burden would be negligible and nearly impossible to quantify. Public elementary and secondary school districts with 100 or more employees within the 50 U.S. states and District of Columbia were required to submit EEO–5 reports annually from 1974 to 1981 and then biennially in even years from 1982 to the present. The individual reports are confidential. The EEOC uses EEO–5 data to investigate charges of employment discrimination against public elementary and secondary school districts. The EEO–5 data are also used for research. EEO–5 reports are shared with the Department of Education (Office for Civil Rights) and the Department of Justice.

Burden Statement: The EEOC has updated its methodology for calculating annual burden to reflect the different staff responsible for preparing and filing the EEO–5. The EEOC's revised burden estimate reflects that the bulk of the work in biennially preparing an EEO–5 report is performed by computer support specialists, executive administrative staff, and payroll and human resource professionals; the revised estimate also includes time spent by school district finance professionals and superintendents who, in a few cases, may consult briefly during the reporting process. After accounting for the time spent by the various employees who have a role in preparing an EEO–5, the EEOC estimates that a school district will spend 17.07 hours to prepare the report and estimates that the aggregate biennial hour burden for all respondents is 120,901.07. The cost associated with the burden hours was calculated using hourly wage rates obtained from the Department of Labor [1] for each job identified above as participating in the submission of the report; using those rates, we estimate that the burden hour cost per school district will be approximately $572.58, while the estimated total biennial burden hour cost for all 7,082 school districts will be $4,055,001.76 (See Table 1 for calculations).

TABLE 1–ESTIMATE OF BIENNIAL BURDEN FOR EEO–5 REPORT

School district staff	Hourly wage rate	Burden hours per district [a]	Burden hour cost per district	Total burden hours	Total burden hour cost
N = 7,082					
Computer Support Specialist (IT Professional/Data Processing Specialist)	26.33	3.43	$90.28	24,281.35	$639,327.82
Director of School Finance (Financial Managers)	62.45	0.14	8.92	1,012.02	63,200.51
Executive Clerical Staff	26.35	2.93	77.17	20,740.35	546,508.10
Human Resource Specialist	29.77	5.43	161.61	38,445.35	1,144,517.93

[1] Median hourly wage rates were obtained from the Bureau of Labor Statistics (see U.S. Department of Labor, Bureau of Labor Statistics, Occupational Outlook Handbook, *http://www/bls.gov/ooh/*).

TABLE 1–ESTIMATE OF BIENNIAL BURDEN FOR EEO–5 REPORT—Continued

School district staff	Hourly wage rate	Burden hours per district [a]	Burden hour cost per district	Total burden hours	Total burden hour cost
Payroll Specialist	19.49	1.43	27.84	10,117.35	197,187.06
Senior Human Resource Managers	56.11	3.43	192.38	24,281.35	1,362,426.28
Superintendent (School Management Occupations)	50.33	0.29	14.38	2,023.33	101,834.07
Total		17.07	572.58	120,901.07	4,055,001.76

Note: Burden Hours per district were determined through interviews with a stratified heterogeneous mixture of school districts used to estimate burden, as approved in the 2018 Paperwork Reduction Act.

[a] Burden Hours are rounded to the tenth decimal place in this publication.

These estimates are based on the assumption of some paper reporting. During the 2018 EEO–5 filing period, the EEOC experienced a 49.8 percent increase in paper filing since the 2016 EEO–5 report filing. Despite the increase, paper filing represents 3.3 percent of total reports received in 2018. Online electronic filing remains the most popular, efficient, accurate, and secure means of reporting for respondents required to submit the EEO–5 report. The EEOC has made online electronic filing much easier for respondents required to file the EEO–5 and as a result, more respondents are using this method. Accordingly, the EEOC will continue to encourage EEO–5 filers to submit data through online electronic filing and will only accept paper records from filers who have secured permission to submit data via paper submission.

Dated: March 5, 2021.

For the Commission.

Charlotte A. Burrows,

Chair.

[FR Doc. 2021–05059 Filed 3–10–21; 8:45 am]

BILLING CODE 6570–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1028, FRS 17548]

Information Collection Being Reviewed by the Federal Communications Commission Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before May 10, 2021. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1028.

Title: International Signaling Point Code (ISPC).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 5 respondents; 5 responses.

Estimated Time per Response: .333 hours (20 minutes).

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

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 151, 154(i)–(j), 201–205, 211, 214, 219–220, 303(r), and 403.

Total Annual Burden: 2 hours.

Annual Cost Burden: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: This collection will be submitted as an extension (no change in reporting or recordkeeping requirements) after this 60-day comment period to Office of Management and Budget (OMB) in order to obtain the full three-year clearance.

An International Signaling Point Code (ISPC) is a unique, seven-digit code synonymously used to identify the signaling network of each international carrier. The ISPC has a unique format that is used at the international level for signaling message routing and identification of signaling points. The Commission receives ISPC applications from international carriers on the electronic, internet-based International Bureau Filing System (IBFS). After receipt of the ISPC application, the Commission assigns the ISPC code to each applicant (international carrier) free of charge on a first-come, first-served basis. The collection of this information is required to assign a unique identification code to each international carrier and to facilitate communication among international carriers by their use of the ISPC code on the shared signaling network. The Commission informs the International Telecommunications Union (ITU) of its assignment of ISPCs to international carriers on an ongoing basis.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–05018 Filed 3–10–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1257; FRS 17550]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before May 10, 2021. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1257.

Title: New Procedure for Non-Federal Public Safety Entities to License Federal Government Interoperability Channels.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Not-for-profit institutions; State, local, or tribal government.

Number of Respondents and Responses: 45,947 respondents; 45,947 responses.

Estimated Time per Response: 0.25 hours.

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Section 90.25 adopted in Order DA 18–282, requires any non-federal public safety entity seeking to license mobile and portable units on the Federal Interoperability Channels to obtain written concurrence from its Statewide Interoperability Coordinator (SWIC) or a state appointed official and include such written concurrence with its application for license. A non-federal public safety entity may communicate on designated Federal Interoperability Channels for joint federal/non-federal operations, provided it first obtains a license from the Commission authorizing use of the channels. Statutory authority for these collections are contained in 47 U.S.C. 151, 154, 301, 303, and 332 of the Communications Act of 1934.

Total Annual Burden: 11,487 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Applicants who include written concurrence from their SWIC or state appointed official with their application to license mobile and portable units on the Federal Interoperability Channels need not include any confidential information with their application. Nonetheless, there is a need for confidentiality with respect to all applications filed with the Commission through its Universal Licensing System (ULS). Although ULS stores all information pertaining to the individual license via an FCC Registration Number (FRN), confidential information is accessible only by persons or entities that hold the password for each account, and the Commission's licensing staff. Information on private land mobile radio licensees is maintained in the Commission's system of records, FCC/WTB–1, ''Wireless Services Licensing Records.'' The licensee records will be publicly available and routinely used in accordance with subsection (b) of the Privacy Act. TIN Numbers and material which is afforded confidential treatment pursuant to a request made under 47 CFR 0.459 will not be available for Public inspection. Any personally identifiable information (PII) that individual applicants provide is covered by a system of records, FCC/WTB–1, ''Wireless Services Licensing Records,'' and these and all other records may be disclosed pursuant to the Routine Uses as stated in this system of records notice.

Needs and Uses: This collection will be submitted as an extension of a currently approved collection after this 60-day comment period to the Office of Management and Budget (OMB) in order to obtain the full three-year clearance. The purpose of requiring a non-federal public safety entity to obtain written consent from its SWIC or state appointed official before communicating with federal government agencies on the Federal Interoperability Channels is to ensure that the non-federal public safety entity operates in accordance with the rules and procedures governing use of the federal interoperability channels and does not cause inadvertent interference during emergencies. Commission staff will use the written concurrence from the SWIC or state appointed official to determine if an applicant's proposed operation on the Federal Interoperability Channels conforms to the terms of an agreement signed by the SWIC or state appointed official with a federal user with a valid assignment from the National Telecommunications and Information Administration (NTIA) which has jurisdiction over the channels.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–05017 Filed 3–10–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the

assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than April 12, 2021.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *American Bancor, Ltd., Dickinson, North Dakota;* to acquire voting shares of The Citizens State Bank of Finley, Finley, North Dakota.

Board of Governors of the Federal Reserve System, March 8, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–05081 Filed 3–10–21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than March 26, 2021.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org*:

1. *Travis Brown; the Angela J. McLane Revocable Trust; Angela J. McLane, individually and as trustee of the Angela J. McLane Revocable Trust; and David Rowland, all of Poplar Bluff, Missouri;* to become members of the McLane Family Control Group, a group acting concert, by retaining voting shares of Midwest Bancorporation, Inc., Poplar Bluff, Missouri, and thereby retaining voting shares of First Midwest Bank of Dexter, Dexter, Missouri, First Midwest Bank of Poplar Bluff, Poplar Bluff, Missouri, and First Midwest Bank of the Ozarks, Piedmont, Missouri.

B. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *The Nancy B. Miller Trust dated July 1, 2020, and the Win R. Miller Trust dated July 1, 2020, Nancy B. Miller and Win R. Miller as trustees, and the Mary A. Walquist Trust dated June 5, 2020, Mary A. Walquist as trustee, all of Marine on St. Croix, Minnesota,* to become members of the Walquist/Miller Family Control Group, a group acting in concert, by acquiring voting shares of Marine Bancshares, Inc., and thereby indirectly acquiring voting shares of Security State Bank of Marine, both of Marine on St. Croix, Minnesota.

2. *Jerome M. Bauer and Susanne M. Bauer, both of Durand, Wisconsin;* to acquire voting shares of Security Financial Services Corporation, and thereby indirectly acquire voting shares of Security Financial Bank, both of Durand, Wisconsin, and Jackson County Bank, Black River Falls, Wisconsin.

In addition, *Jerome M. Bauer, Susanne M. Bauer, Tad M. Bauer, Jodi N. Bauer, Timothy A. Hoffman, Julie M. Hoffman, Janice M. Spindler, and Steven R. Spindler, all of Durand, Wisconsin; the Chad W. and Amanda S. Smith Revocable Grantor Trust, Amanda S. Smith, both of Eau Galle, Washington, individually, and together with Chad W. Smith, as co-trustees, Durand Washington; the James M. and Linda M. Bauer Revocable Grantor Trust, James M. Bauer and Linda M. Bauer, as co-trustees, the John J. and Mary Jane Brantner Revocable Grantor Trust, John J. Brantner and Mary Jane Brantner, as co-trustees, and the Larry J. and Marcia J. Weber Revocable Grantor Trust, Larry J. Weber, as trustee, all of Durand, Wisconsin;* as a group acting in concert, to retain voting shares of Security Financial Services Corporation, and thereby indirectly retain voting shares of Security Financial Bank and Jackson County Bank.

Board of Governors of the Federal Reserve System, March 8, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–05082 Filed 3–10–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1758–FN]

Medicare Program: Approval for an Exception to the Prohibition on Expansion of Facility Capacity Under the Hospital Ownership and Rural Provider Exceptions to the Physician Self-Referral Prohibition

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve the request from Solutions Medical Consulting, LLC d/b/a Serenity Springs Hospital for an exception to the prohibition on expansion of facility capacity.

DATES: This decision is applicable beginning March 11, 2021.

FOR FURTHER INFORMATION CONTACT:

POH-ExceptionRequests@cms.hhs.gov.

Joi Hosley, (410) 786–2194.

Patricia Taft, (410) 786–4561.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1877 of the Social Security Act (the Act), also known as the physician self-referral law—(1) prohibits

a physician from making referrals for certain designated health services payable by Medicare to an entity with which he or she (or an immediate family member) has a financial relationship, unless the requirements of an applicable exception are satisfied; and (2) prohibits the entity from filing claims with Medicare (or billing another individual, entity, or third party payer) for any improperly referred designated health services. A financial relationship may be an ownership or investment interest in the entity or a compensation arrangement with the entity. The statute establishes a number of specific exceptions and grants the Secretary of the Department of Health and Human Services (the Secretary) the authority to create regulatory exceptions for financial relationships that do not pose a risk of program or patient abuse.

Section 1877(d) of the Act sets forth exceptions related to ownership or investment interests held by a physician (or an immediate family member of a physician) in an entity that furnishes designated health services. Section 1877(d)(2) of the Act provides an exception for ownership or investment interests in rural providers (the ''rural provider exception''). In order to qualify for the rural provider exception, the designated health services must be furnished in a rural area (as defined in section 1886(d)(2) of the Act) and substantially all the designated health services furnished by the entity must be furnished to individuals residing in a rural area and, in the case where the entity is a hospital, the hospital meets the requirements of section 1877(i)(1) of the Act no later than September 23, 2011. Section 1877(d)(3) of the Act provides an exception for ownership or investment interests in a hospital located outside of Puerto Rico (the ''whole hospital exception''). In order to qualify for the whole hospital exception, the referring physician must be authorized to perform services at the hospital, the ownership or investment interest must be in the hospital itself (and not merely in a subdivision of the hospital), and the hospital meets the requirements of section 1877(i)(1) of the Act no later than September 23, 2011.

Section 6001(a)(3) of the Patient Protection and Affordable Care Act (Pub. L. 111–148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (hereafter referred to together as ''the Affordable Care Act'') amended the rural provider and hospital ownership exceptions to the physician self-referral prohibition to impose additional restrictions on physician ownership and investment in hospitals. Since March 23, 2010, a physician-owned hospital that seeks to avail itself of either exception is prohibited from expanding facility capacity unless it qualifies as an ''applicable hospital'' or ''high Medicaid facility'' (as defined in sections 1877(i)(3)(E), (F) of the Act and our regulations at 42 CFR 411.362(c)(2) and (3)) and has been granted an exception to the facility expansion prohibition by the Secretary. Section 1877(i)(3)(A)(ii) of the Act provides that individuals and entities in the community in which the provider requesting the exception is located must have an opportunity to provide input with respect to the provider's request for the exception. Section 1877(i)(3)(H) of the Act states that the Secretary shall publish in the **Federal Register** the final decision with respect to the request for an exception to the prohibition against facility expansion not later than 60 days after receiving a complete application.

II. Exception Approval Process

On November 30, 2011, we published a final rule in the **Federal Register** (76 FR 74122, 74517 through 74525) that, among other things, finalized § 411.362(c), which specified the process for submitting, commenting on, and reviewing a request for an exception to the prohibition on expansion of facility capacity. We published a subsequent final rule in the **Federal Register** on November 10, 2014 (79 FR 66770) that made certain revisions. These revisions include, among other things, permitting the use of data from an external data source or data from the Hospital Cost Report Information System (HCRIS) for specific eligibility criteria.

Our regulations at § 411.362(c)(5) require us to solicit community input on the request for an exception by publishing a notice of the request in the **Federal Register**. Individuals and entities in the hospital's community will have 30 days to submit comments on the request. Community input must take the form of written comments and may include documentation demonstrating that the physician-owned hospital requesting the exception does or does not qualify as an applicable hospital or high Medicaid facility as such terms are defined in § 411.362(c)(2) and (3). In the November 30, 2011 final rule (76 FR 74522), we gave examples of community input, such as documentation demonstrating that the hospital does not satisfy one or more of the data criteria or that the hospital discriminates against beneficiaries of federal health programs; however, we noted that these were examples only and that we will not restrict the type of community input that may be submitted. If we receive timely comments from the community, we will notify the hospital, and the hospital will have 30 days after such notice to submit a rebuttal statement (§ 411.362(c)(5)).

A request for an exception to the facility expansion prohibition is considered complete as follows:

- If the request, any written comments, and any rebuttal statement include only HCRIS data: (1) The end of the 30-day comment period if the Centers for Medicare & Medicaid Services (CMS) receives no written comments from the community; or (2) the end of the 30-day rebuttal period if CMS receives written comments from the community, regardless of whether the physician owned hospital submitting the request submits a rebuttal statement (§ 411.362(c)(5)(i)).
- If the request, any written comments, or any rebuttal statement include data from an external data source, no later than: (1) 180 days after the end of the 30-day comment period if CMS receives no written comments from the community; and (2) 180 days after the end of the 30-day rebuttal period if CMS receives written comments from the community, regardless of whether the physician owned hospital submitting the request submits a rebuttal statement (§ 411.362(c)(5)(ii)).

If we grant the request for an exception to the prohibition on expansion of facility capacity, under the regulations in place at the time the request was filed, the expansion may occur only in facilities on the hospital's main campus and may not result in the number of operating rooms, procedure rooms, and beds for which the hospital is licensed to exceed 200 percent of the hospital's baseline number of operating rooms, procedure rooms, and beds (§ 411.362(c)(6)).[1] The CMS decision to grant or deny a hospital's request for an exception to the prohibition on expansion of facility capacity must be published in the **Federal Register** in accordance with our regulations at § 411.362(c)(7).

III. Public Response to Notice With Comment Period

On December 11, 2020, we published a notice in the **Federal Register** (85 FR

[1] When approving an expansion exception request, we are required to follow the regulations in effect as of the date the request is filed. The regulations at 42 CFR 411.362(c)(6) were modified effective January 1, 2021 (85 FR 85866; *https://www.federalregister.gov/documents/2020/12/29/2020-26819/medicare-program-hospital-outpatient-prospective-payment-and-ambulatory-surgical-center-payment.*

80111) entitled ''Request for an Exception to the Prohibition on Expansion of Facility Capacity Under the Hospital Ownership and Rural Provider Exceptions to the Physician Self-Referral Prohibition.'' In the December 2020 notice, we stated that as permitted by section 1877(i)(3) of the Act and our regulations at § 411.362(c), the following physician-owned hospital requested an exception to the prohibition on expansion of facility capacity:

Name of Facility: Solutions Medical Consulting, LLC d/b/a Serenity Springs Hospital.

Location: 1495 Frazier Road, Ruston, Louisiana 71270–1632.

Basis for Exception Request: High Medicaid Facility.

In the December 2020 notice, we solicited comments from individuals and entities in the community in which Solutions Medical Consulting, LLC d/b/a Serenity Springs Hospital is located. During the 30-day public comment period, we received no public comments.

IV. Decision

This final notice announces our decision to approve Solutions Medical Consulting, LLC d/b/a Serenity Springs Hospital's request for an exception to the prohibition against expansion of facility capacity. Solutions Medical Consulting, LLC d/b/a Serenity Springs Hospital submitted the data and certifications necessary to demonstrate that it satisfies the criteria to qualify as a high Medicaid facility as specified in the November 30, 2011 final rule. In accordance with section 1877(i)(3) of the Act, we are granting Solutions Medical Consulting, LLC d/b/a Serenity Springs Hospital's request for an exception to the expansion of facility capacity prohibition based on the following criteria:

- Solutions Medical Consulting, LLC d/b/a Serenity Springs Hospital is not the sole hospital in the county in which the hospital is located;
- With respect to each of the 3 most recent 12-month periods for which data are available as of the date the hospital submitted its request, Solutions Medical Consulting, LLC d/b/a Serenity Springs Hospital had an annual percent of total inpatient admissions under Medicaid that is estimated to be greater than such percent with respect to such admissions for any other hospital located in the county in which the hospital is located; and
- Solutions Medical Consulting, LLC d/b/a Serenity Springs Hospital certified that it does not discriminate against beneficiaries of federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries.

Our decision grants Solutions Medical Consulting, LLC d/b/a Serenity Springs Hospital's request to add a total of 18 operating rooms, procedure rooms, and beds. Under the regulations in place at the time the request was filed, the expansion may occur only in facilities on the hospital's main campus and may not result in the number of operating rooms, procedure rooms, and beds for which Solutions Medical Consulting, LLC d/b/a Serenity Springs Hospital is licensed to exceed 200 percent of its baseline number of operating rooms, procedure rooms, and beds. Solutions Medical Consulting, LLC d/b/a Serenity Springs Hospital certified that its baseline number of operating rooms, procedure rooms, and beds is 18. Accordingly, we find that granting an additional 18 operating rooms, procedure rooms, and beds will not exceed the limitation on a permitted expansion.

V. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Acting Administrator of the Centers for Medicare & Medicaid Services (CMS), Elizabeth Richter, having reviewed and approved this document, authorizes Lynette Wilson, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: March 8, 2021.

Lynette Wilson,

Federal Register Liaison, Department of Health and Human Services.

[FR Doc. 2021–05095 Filed 3–10–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Infant and Toddler Teacher and Caregiver Competencies (ITTCC) Study (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: This is a primary data collection request for the Infant and Toddler Teacher and Caregiver Competencies (ITTCC) study to examine, using qualitative case studies, different approaches to implementing competency frameworks and assessing competencies of teachers and caregivers of infants and toddlers who work in group early care and education (ECE) settings (centers and family child care homes). Each case study will focus on a specific competency framework used by states, institutions of higher education, professional organizations, or ECE programs. This study aims to present an internally valid description of the implementation of competency frameworks and assessment of competencies for up to seven purposively selected cases, not to promote statistical generalization to different sites or service populations.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION:

Description: The ITTCC study will examine implementation and assessment of competency frameworks at (1) the system level (that is, among those charged with creating a structure for and supporting implementation in states, institutions of higher education, and/or professional organizations); and (2) the program level (that is, in the center-based settings and family child

care homes in which infant/toddler teachers and caregivers work). We will collect information on how competency frameworks have been developed and implemented; how competencies are assessed; how program directors, center directors, family child care providers, and teachers and caregivers use competency frameworks; key lessons related to implementing competency frameworks and assessing competencies; and perspectives on how competencies can help build the capacity of the workforce teaching and caring for infants and toddlers and support quality improvement.

Respondents: System-level staff (this may include lead developers, lead adopters, administrators for state/local quality improvement initiatives, administrators of licensing and/or credentialing agencies, higher education stakeholders, other training and technical assistance providers, state-level oversight of federal programs) and program-level staff (program and/or center directors, professional development coordinators/managers, center-based teachers/caregivers and family child care providers).

Annual Burden Estimates:

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
System-Level Screening Protocol (Instrument 1)	30	1	.6	18	9
System-Level Master Semi-structured Interview Protocol (Instrument 2)	60	1	1.5	90	45
Nominations for Programs Protocol (Instrument 3)	15	1	.3	4.5	2.25
Program-Level Screening Protocol (Instrument 4)	70	1	.6	42	21
Program-Level Master Semi-structured Interview Protocol (Instrument 5): Directors	20	1	1	20	10
Program-Level Master Semi-structured Interview Protocol (Instrument 5): Family child care providers	20	1	1	20	10
Program-Level Master Semi-structured Interview Protocol (Instrument 5): Center-based teachers	20	1	0.5	10	5

Estimated Total Annual Burden Hours: 102.25.

Authority: Head Start Act Section 640 [42 U.S.C. 9835] and Section 649 [42 U.S.C. 9844], and the Child Care and Development Block Grant (CCDBG) Act of 1990, as amended by the CCDBG Act of 2014 (Pub. L. 113–186).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–05100 Filed 3–10–21; 8:45 am]

BILLING CODE 4184–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

[OMB No. 0985–0039]

Agency Information Collection Activities; Submission for OMB Review; Public Comment Request; Prevention and Public Health Fund Evidence-Based Falls Prevention Program, Information Collection

AGENCY: Administration for Community Living, HHS.

ACTION: Notice

SUMMARY: The Administration for Community Living is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under the Paperwork Reduction Act of 1995. This 30-day notice collects comments on the information collection requirements related to the proposed Extension with minor changes on the information collection requirements related to Prevention and Public Health Funds Evidence-Based Falls Prevention Program.

DATES: Submit written comments on the collection of information by April 12, 2021.

ADDRESSES: Submit written comments and recommendations for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find the information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. By mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW, Rm. 10235, Washington, DC 20503, Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Shannon Skowronski, Administration for Community Living, Washington, DC 20201, Shannon Skowronski, 202–795–7438, *shannon.skowronski@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, ACL has submitted the following proposed collection of information to OMB for review, comment and approval. The Evidence-Based Falls Prevention Grant Program is financed through the Prevention and Public Health Fund (PPHF), most recently with FY 2020 PPHF funds. The statutory authority for these cooperative is contained in Continuing Appropriations Act, 2020 and Health Extenders Act of 2019, Public Law 116–59; the Older Americans Act (OAA) (Section 411); and the Patient Protection and Affordable Care Act, 42 U.S.C. 300u–11 (Prevention and Public Health Fund).

The Evidence-Based Falls Prevention Program supports a national resource center and awards competitive grants to implement and promote the sustainability of evidence-based community programs that have been proven to reduce the falls incidence and risk among for older adults.

OMB approval of the existing set of Falls Prevention data collection tools (OMB Control Number, 0985–0039) expires on 03/31/2021. This data collection continues to be necessary for monitoring program operations and outcomes.

ACL/AoA proposes to use the following tools: (1) Semi-annual performance reports to monitor grantee progress; (2) a Host/Implementation Organization Information Form to record location of agencies that sponsor programs that will allow mapping of the delivery infrastructure; and (3) a set of

tools used to collect information at each program completed by the program leaders (Program Information Cover Sheet and Attendance Log), a Participant Information Form to be completed by all participants, and a Post Program Survey to be completed by a random sample of participants. ACL/AoA intends to continue using an online data entry system for the program and participant survey data. Minor changes are being proposed to the currently approved tools. All changes proposed are based on feedback from a focus group that included a sub-set of current grantees and consultation with subject-matter experts.

Comments in Response to the 60-Day Federal Register Notice

A notice published in the **Federal Register** on September 28, 2020, Volume 85, No. 188, page 60808. There were five public comment emails received during the 60-day FRN comment period.

A summary of the comments and the ACL response is provided below.

PARTICIPANT INFORMATION FORM AND POST SURVEY

Comment	Response
A suggestion was made to add a purpose statement to the forms to better inform participants of why this specific data collection is pertinent.	ACL did not adopt this suggestion. The purpose of this data collection is multi-fold—with different benefits and potential uses of the data by federal, state, and local stakeholders.
Suggestions were made to make adjustments to the wording and/or response options for some of the demographic questions, such as those related to race, ethnicity, and gender.	ACL did not adopt these suggestions. The wording and response options for the demographic questions included are consistent with OMB-approved surveys for other ACL programs. Having this consistency allows ACL and researchers utilizing this data to compare outcomes from the population reached with ACL's Falls Prevention Programs to a more broadly representative population of older adults.
For some of the non-demographic questions, suggestions were made to use different response options, adjust the wording of the questions, or use different measurement scales.	ACL did not adopt these suggestions. ACL consulted with experts in the field to identify validated scales to capture the information needed to understand the impact of the programs on critical domains. Adjusting the wording of the questions would impact their validity.
Several suggestions were made with respect to the formatting of the forms.	
1. Provide a small box on the bottom right hand corner of each sheet to identify participant ID. Should paperwork be separated, it provides another mechanism to keep forms complete. Also suggest adding more white space to the document, increasing the space between questions and answers, and increasing the font size.	1. ACL did not adopt these suggestions in order to keep the Participant Information Form and Post-Survey to one sheet (front and back). ACL will be providing the surveys to grantees in a Word format so they can make any formatting edits they deem necessary, *i.e.,* larger font size, more white space, etc.
2. There needs to be further consistency with bullet point sizes and format of questions. They seem to be inconsistent.	2. ACL reviewed the bullet point sizes and format of questions to ensure consistency.
3. To better align the pre- and post- survey, it might make sense to move question number 9 on Participant Information Form closer to question 12.	3. ACL revisited the ordering of the forms to ensure the questions align, to the greatest extent possible.
4. In question 7, the word ''agree,'' is misspelled under ''Strongly disagree''.	4. ACL made the spelling correction to question 7.
Some commenters suggested including definitions of certain terms on the form, for example, defining what is meant by ''vigorous'' or ''moderate'' exercise.	ACL did not adopt suggestions to provide detailed definition of terms within the questions. Including definitions would increase the length of the forms, resulting in greater participant burden. Local program coordinators are available to assist participants completing the forms, in the event any questions arise with any of the specific questions.
A suggestion was made to remove the proposed Question 19 from the Participant Information Form, with the comment that it is not relevant pre-program.	ACL adopted this suggestion.
A suggestion was made to adjust the wording of the existing Question 11 (and the response options) to align with the ACL Chronic Disease Self-Management Education data collection forms.	ACL did not adopt this suggestion. The ACL Falls Prevention and Chronic Disease Self-Management Education grant programs are two distinct grant programs, with two distinct lists of chronic conditions in their OMB-approved data collections.
A suggestion was made to expand the following question on the Participant Information Form: ''Are you limited in any way in any activities because of physical, mental, or emotional problems?''	ACL did not adopt this suggestion. This question was only included in the Participant Information Form, not the Post Survey. The Participant Information Form and Post Survey already include questions to assess limitations due to physical, mental, and/or emotional problems, so this question was deemed duplicative and removed from the Participant Information Form entirely to reduce participant burden.
Suggested replacement questions: • ''Because of a physical, mental, or emotional condition, do you: ○ Have serious difficulty concentrating, remembering, or making decisions? Yes, No. ○ Have difficulty doing errands alone such as visiting a doctor's office or shopping? Yes, No''. • ''Do you have serious difficulty walking or climbing stairs? Yes, No'' • ''Do you have difficulty dressing or bathing? Yes, No''.	
A commenter suggested adding the following questions to the forms:	ACL did not adopt these suggestions to avoid increasing participant burden and the length of the forms beyond one sheet (front and back).

PARTICIPANT INFORMATION FORM AND POST SURVEY—Continued

Comment	Response
• "Are you deaf or do you have serious difficulty hearing? Yes, No" • "Are you blind or do you have serious difficulty seeing, even when wearing glasses? Yes, No" • "During the past year, did you provide regular care or assistance to a friend or family member who has a long-term health condition or disability?"	

FALL PREVENTION COVERSHEET

Comment	Response
Some commenters suggested not requiring a separate Program Information Coversheet—instead folding some of the questions in the coversheet into the Participant Information Form, Post-Survey, and/or the semi-annual grantee report.	ACL did not adopt this suggestion. The grantee focus group reported that this form was useful for organizing their data collection and program delivery. Adding questions to the Participant Information and Post-Survey would also increase their length beyond 1 sheet (front and back).
A commenter provided the following formatting-related comments: • The dotted lines dictating the start year appear to be missing—suggest adding these; and • suggest adjusting the bullet sizes to be consistent, specifically in question number 7, the bullet under indicating "other," is different from the previous bullet	ACL adopted these edits.
A commenter suggested adding a space to note host/implementation organization.	ACL did not adopt this suggestion.
A commenter suggested adding check boxes to note if the program was delivered in a remote format.	ACL did not adopt this suggestion due to variability in how remote programs are defined and delivery format.

HOST/IMPLEMENTATION ORGANIZATION FORM

Comment	Response
A commenter suggested adding to Question 2 the statement, "Please check only if you are a new ____ Host Organization ____ Implementation Site.".	ACL did not adopt this suggestion. The purpose of this form is to document new host organizations and implementation sites, so these additional instructions were deemed unnecessary.

FALL PREVENTION ATTENDANCE LOG

Comment	Response
One commenter suggested using an "X" (rather than fill in the box) to denote sessions attended.	ACL adopted this suggestion.
One commenter noted that "the last blank for 'end date' is not bolded"	ACL made this correction.
One commenter suggested changing the form to landscape to account for length of Tai Chi and Enhance Fitness programs.	ACL adopted this suggestion.

COMMENT RELEVANT TO ALL FORMS

Comment	Response
One commenter suggested that ACL provide fillable PDF forms	ACL will be providing the documents in Word format. If resources allow, we will also provide fillable PDFs for grantee use.

Estimated Program Burden

ACL estimates the burden associated with this collection of information as follows:

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Project staff, Semi-annual Performance Report	20	Twice a year	8	320
Local agency leaders Program Information Cover Sheet/Participant Information Form/Attendance Log/Post Local data entry staff; Program Survey.	436 leaders	Twice a year (one set per program).	.50	436

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
	40 data entry staff	Once per program × 872 programs.	.50	436
Local organization staff and local database entry staff; Host Organization Data Form.	436 staff	1	.05	22
Program participants; Participant Information Form	10,455	1	.10	1046
Program Participants; Post Program Survey	6,273	1	.10	628
Total Burden Hours				2888

Dated: March 5, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–05042 Filed 3–10–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OMB No. 0990–0476]

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 May 10, 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 0990–0476, 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: ASPA COVID–19 Public Education Campaign Market Research.

Type of Collection: OMB #0990–0476.

The Office of the Assistant Secretary for Public Affairs (ASPA), U.S. Department of Health and Human Services (HHS), is requesting an extension on a currently approved collection that includes three components: 1. COVID–19 Current Events Tracker; 2. Foundational Focus Groups; and 3. Copy Testing Surveys. Together, these efforts support the development and execution of the COVID–19 Public Education Campaign. The broad purpose of each effort is as follows:

Current Events Tracker

The primary purpose of the COVID–19 Current Events Tracker (CET) survey is to continuously track key metrics of importance to the Campaign, including vaccine confidence, familiarity with and trust in HHS, and the impact of external events on key attitudes and behaviors. Tracking Americans' attitudes about, perceptions of, and behavior toward the COVID–19 pandemic will inform the Campaign of key metrics around vaccine confidence and uptake, as well as towards vaccine messengers such as HHS and key public health officials. It will also inform changes in messaging strategies necessary to effectively reach the entire U.S. population or specific subgroups.

The weekly tracking of this information will be critical for the Campaign's ability to respond to shifting events and attitudes in real-time, helping guide the American public with accurate information about the vaccine rollout as well as on how to take protective actions.

Foundational Focus Groups

ASPA is collecting information through the COVID–19 Public Education Campaign Foundational Focus Groups to inform the Campaign about audience risk knowledge, perceptions, current behaviors, and barriers and motivators to healthy behaviors (including COVID–19 vaccination). Ultimately these focus groups will provide in-depth insights regarding information needed by Campaign audiences as well as their attitudes and behaviors related to COVID–19 and the COVID–19 vaccines. These will be used to inform the development of Campaign messages and strategy.

Copy Testing Surveys

Prior to placing Campaign advertisements in market, ASPA will conduct copy testing surveys to ensure the final Campaign messages have the intended effect on target attitudes and behaviors. Copy testing surveys will be conducted with sample members who comprise the target audiences; these surveys will assess perceived effectiveness of the advertisements as well as the effect of exposure to an ad on key attitudes and behavioral intentions. The results from these surveys will be used internally by ASPA to inform decisions on Campaign messages and materials; for example, to identify revisions to the materials or determine which advertisement to move to market.

Need and Proposed Use: In light of the current COVID–19 crisis, this information is needed given the impact of the pandemic on the nation. The Secretary of the U.S. Department of Health and Human Services (HHS) has declared a public health emergency effective January 27, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d [1]) and renewed it continually since its issuance (see links to the determination here and here). Additionally, in accordance with 5 CFR 1320.13, HHS previously requested emergency submissions (sections 1320 (a)(2)(ii) and (2)(iii) of the federal regulations.

ESTIMATED BURDEN HOUR TABLE

	CET	Foundational focus groups	Copy testing survey
Hours to screen	N/A	.09	0.03
Screening completes (per wave)	N/A	2,500	6,700
Screening participants (total/screened out)	N/A	20,000/19,136	53,600/45,600
Hours to complete survey/group	0.12	1.5	0.33
Participants (per wave/round)	1,000	108	1,000
Number of waves/rounds	92	8	8
Burden per wave/round	120	387	330
Total participants	92,000	864	8,000
Total respondents*	92,000	20,000	53,600
Total burden hours	11,040	3,096	4,248

*Total respondents = total participants for each effort + total people screened out.

Sum of All Studies

Total Respondents: 165,600.
Total Burden Hours: 18,384.

Sherrette A. Funn,

Office of the Secretary, Asst Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2021–05040 Filed 3–10–21; 8:45 am]

BILLING CODE 4150–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS–0955–New]

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 May 10, 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 0955–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: Access, Exchange and Use of Social Determinants of Health Data in Clinical Notes.

Type of Collection: New.

OMB No.: 0955–NEW—Office of the National Coordinator for Health Information Technology.

Abstract: The Department of Health and Human Services, Office of the Secretary, Office of the National Coordinator for Health Information Technology, have the access, exchange, and use of electronic health information; which is essential for clinicians, and patients to better manage their health care needs and share information with other providers, and with caregivers. Many hospitals and physicians possess capabilities that enable patients to view and download their health information. Yet, additional steps are needed to make health information more accessible and useful to both clinicians and patients.

The 21st Century Cures Act (Cures Act) requires the Department of Health and Human Services (HHS) and ONC to improve the interoperability of health information. ONC's Cures Act final rule also identifies important data elements that should be made electronically available and exchanged through the use of health information technology (IT). The United States Core Data for Interoperability (USCDI) is a standardized set of health data classes and constituent data elements for nationwide, interoperable health information exchange. ONC will follow a predictable, transparent, and collaborative process to expand the USCDI. Data reflecting social determinants of health (SDOH)—the conditions in which people live, learn, work, and play—remains much more limited across healthcare. There is a growing recognition that by capturing and accessing SDOH data during the course of care, providers can more easily address non-clinical factors, such as food, housing, and transportation insecurities, which can have a profound impact on a person's overall health. Therefore, it is important to identify SDOH data elements for potential inclusion in the USCDI in the future.

ANNUALIZED BURDEN HOUR TABLE

Form number and name	Respondents	Number of respondents	Number of responses per respondents	Average burden per response (x/60)	Total burden hours
1a: Prescreening Questionnaire	Patients and Caregivers	750	1	5/60	62.5
1b: Prescreening Questionnaire	Clinicians and Healthcare Professionals.	750	1	5/60	62.5

ANNUALIZED BURDEN HOUR TABLE—Continued

Form number and name	Respondents	Number of respondents	Number of responses per respondents	Average burden per response (x/60)	Total burden hours
2a: Asynchronous Focus Group Questions.	Patients and Caregivers	10	1	90/60	15
2b: Synchronous Focus Group Questions.	Patients and Caregivers	90	1	90/60	135
2c: Asynchronous Focus Group Questions.	Clinicians and Healthcare Professionals.	100	1	90/60	150
Total For Prescreen Only Participants.		1,300	1	5/60	108
Total for Prescreen and Focus Group Participants.		200	1	95/60	317
Grand Total		1,500	1		425

Dated: February 26, 2021.

Sherrette A. Funn,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2021–05041 Filed 3–10–21; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0107]

Application for Waiver of Passport and/or Visa (DHS Form I–193)

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

ACTION: 30-Day Notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than April 12, 2021) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice 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 PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (Volume 85 FR Page 76594) on November 30, 2020, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (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, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application for Waiver of Passport and/or Visa (DHS Form I–193).

OMB Number: 1651–0107.

Form Number: DHS Form I–193.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to the information collected on Form I–193.

Type of Review: Extension (without change).

Affected Public: Individuals.

Abstract: The data collected on DHS Form I–193, Application for Waiver of Passport and/or Visa, allows CBP to determine an applicant's identity, alienage, claim to legal status in the United States, and eligibility to enter the United States under 8 CFR 211.1(b)(3) and 212.1(g). DHS Form I–193 is an application submitted by a nonimmigrant alien seeking admission to the United States requesting a waiver of passport and/or visa requirements due to an unforeseen emergency. It is also an application submitted by an immigration alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence aboard requesting a waiver of documentary requirements for good cause. The waiver of the documentary requirements and the

information collected on DHS Form I–193 is authorized by Sections 212(a)(7), 212(d)(4), and 212(k) of the Immigration and Nationality Act, as amended, and 8 CFR 211.1(b)(3) and 212.1(g). This form is accessible at *https://www.uscis.gov/i-193.*

Type of Information Collection: DHS Form I–193.

Estimated Number of Respondents: 25,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 25,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 4,150.

Dated: March 8, 2021.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2021–05075 Filed 3–10–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0099]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for T Nonimmigrant Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until April 12, 2021.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2006–0059. All submissions received must include the OMB Control Number 1615–0099 in the body of the letter, the agency name and Docket ID USCIS–2006–0059.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on November 17, 2020, at 85 FR 73290, allowing for a 60-day public comment period. USCIS did receive five comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0059 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). 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 consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for T Nonimmigrant Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–914; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households; Federal Government; State, local or Tribal Government. The information on all three parts of the form will be used to determine whether applicants meet the eligibility requirements for benefits. This application incorporates information pertinent to eligibility under the Victims of Trafficking and Violence Protection Act (VTVPA), Public Law 106–386, and a request for employment.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–914 is 1,310 and the estimated hour burden per response is 2.96 hours. The estimated total number of respondents for the information collection I–914A is 1,120 and the estimated hour burden per response is 1.42 hour. The estimated total number of respondents for the information collection I–914B is 459 and the estimated hour burden per response is 3.58 hours. The estimated total number of respondents for the information collection I–914B Declaration is 459 and the estimated hour burden per response is 0.25 hour. The estimated total number of respondents for the information collection of biometrics is 2,430 and the estimated hour burden per response is 1.17 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual

hour burden associated with this collection is 10,071 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $2,532,300.

Dated: March 8, 2021.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2021–05096 Filed 3–10–21; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7039–N–01]

60-Day Notice of Proposed Information Collection: Section 3 Reporting

AGENCY: Office of Field Policy and Management, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* May 10, 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: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–5534 (this is not a toll-free number) or email at *Anna.P.Guido@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Section 3 Reporting.

OMB Approval Number: 2501–New.

Type of Request (*i.e.* new, revision or extension of currently approved collection): New.

Form Number: HUD Form 60002–A, HUD Form XXXX Opportunity Portal, HUD Form XXXX Business Registry.

Description of the need for the information and proposed use: This collection is to reflect changes to the Section 3 regulation, published in the **Federal Register** 9/29/2020 (*https://www.federalregister.gov/documents/2020/09/29/2020-19185/enhancing-and-streamlining-the-implementation-of-section-3-requirements-for-creating-economic*). The rule at 24 CFR part 75 is effective November 30th, 2020 and replaces the regulations found at 24 CFR part 135.

Form 60002A: This form is used to collect information from recipients of HUD financial assistance (*e.g.,* public housing agencies, municipalities and property owners) to report the amount of labor hours provided to low- and very-low income individuals that have been generated from HUD financial assistance annually on the benchmarks (*https://www.federalregister.gov/documents/2020/09/29/2020-19183/section-3-benchmarks-for-creating-economic-opportunities-for-low--and-very-low-income-persons-and#:~:text=HUD%20defines%20a%20Section%203,very%20low%Dincome%20persons%3B%20or*) required to achieve compliance with Section 3.

Opportunity Portal: The Opportunity Portal is designed to help HUD recipients and Section 3 business concerns meet their Section 3 obligations for employment of low- and very low-income persons and provide other economic opportunities. The site is to be used by eligible Section 3 Workers and contractors. Section 3 Workers may use the site to search for jobs and post their profile/employment history for companies to search. Employers may use the site for posting job/contract opportunities or search for Section 3 workers to fill positions.

Business Registry: The Business Registry is a listing of firms that have self-certified that they meet the regulatory definition of a Section 3 business concern and are included in a searchable online database that can be used by agencies that receive HUD funds, developers, contractors, and others to facilitate the award of certain HUD-funded contracts.

Respondents (*i.e.* affected public): HUD recipients of public housing financial assistance, certain HUD recipients of housing and community development financial assistance, certain HUD grantees, public housing residents and other eligible Section 3 workers.

Estimated Number of Respondents:

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD Form 60002–A	4,283.00	1.00	4,283.00	3.00	12,849.00	$58.13	$746,912.37
Opportunity Portal	350.00	1.00	350.00	1.00	350.00	7.25	2,537.50
Business Registry	6,000.00	1.00	6,000.00	1.00	6,000.00	45.80	274,800.00

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Timothy Smyth,

Director, Office of Field Policy and Management.

[FR Doc. 2021–05083 Filed 3–10–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–CR–NPS0030574; PPWOCRADI0, PCU00RP14.R50000 (211); OMB Control Number 1024–0037]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Archeology Permit Applications and Reports

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS), are proposing to renew an information collection.

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

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Phadrea Ponds, NPS Information Collection Clearance Officer, 1201 Oakridge Drive, Fort Collins, CO 80525; or by email at *phadrea_ponds@nps.gov* or *NPS_ICR@nps.gov.* Please reference Office of Management and Budget (OMB) Control Number 1024–0037 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Karen Mudar, Archeologist, Washington Support Office Archeology Program by email at *karen_mudar@nps.gov;* or by telephone at 202–354–2103. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.* Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: In accordance with the PRA and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on September 25, 2020 (85 FR 60487). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Section 4 of the Archeological Resources Protection Act of 1979 (16 U.S.C 470cc), and Section 3 of the Antiquities Act of 1906 (54 U.S.C. 320302), authorize any individual or institution to apply to Federal land managing agencies to scientifically excavate or remove archeological resources from public or Indian lands. A permit is required for any archeological investigation by non-NPS personnel occurring on parklands, regardless of whether or not these investigations are linked to regulatory compliance. Archeological investigations that require permits include excavation, shovel-testing, coring, pedestrian survey (with and without removal of artifacts), underwater archeology, photogrammetry, and rock art documentation. Individuals, academic and scientific institutions, museums, and businesses that propose to conduct archeological field investigations on parklands must first obtain a permit before the project may begin. To apply for a permit, applicants submit Form DI–1926 ''Application for Permit for Archeological Investigations.'' Applicants are required to submit the following information: (1) Statement of work, (2) Statement of applicant's capabilities, (3) Statement of applicant's past performance, (4) Curriculum vitae for principal investigator(s) and project director(s), (5) Written consent by State or tribal authorities to undertake the activity on State or tribal lands that are managed by the NPS, if required by the State or tribe, (6) Curation authorization, and (7) Detailed schedule of all project activities.

Persons receiving a permit must also submit (1) Preliminary reports, (2) Annual reports, and (3) Final reports.

Title of Collection: Archeology Permit Applications and Reports.

OMB Control Number: 1024–0037.

Form Number: Form DI–1926.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals or organizations wishing to excavate or remove archeological resources from public or Indian lands.

Total Estimated Number of Annual Respondents: 172.

Total Estimated Number of Annual Responses: 172.

Estimated Completion Time per Response: Varies; up to 8 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 1,032.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion, one time.

Total Estimated Annual Non-hour Burden Cost: None.

Activity	Total annual responses	Completion time per response (hours)	Total annual burden hours
Form DI–1926,''			
Private	65	8	520
Individual	10	8	80
Government	11	8	88
Reports			
Private	65	4	260
Individual	10	4	40
Government	11	4	44
Totals	172	.....	1,032

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2021–05078 Filed 3–10–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–CR–NHAP–NPS0030768; PPWOCRADI0, PCU00RP14.R50000 (211); OMB Control Number 1024–NEW]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; National Heritage Areas Program Annual Reporting Forms

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing a new information collection.

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

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Phadrea Ponds, NPS Information Collection Clearance Officer, 1201 Oakridge Drive Fort Collins, CO 80525; or by email at *phadrea_ponds@nps.gov* or *NPS_ICR@nps.gov.* Please reference Office of Management and Budget (OMB) Control Number 1024-(NEW) NHA in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Elizabeth Vehmeyer, Assistant Coordinator, National Heritage Area (NHA) Program by email at *elizabeth_vehmeyer@nps.gov,* or by telephone at 202–354–2215. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on May 15, 2020 (85 FR 29481). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected.

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: National Heritage Areas (NHAs) are designated by Congress as places of natural, cultural, and historic significance. Authorized by the Historic Sites Act of 1935 (54 U.S.C. Ch. 3201), the NPS NHA Program is responsible for tracking the performance and progress of each heritage area in implementing its management plans and goals. The reporting forms in the collection will track performance metrics needed to distribute funds and report on heritage area management and budgetary activities as directed by Congress.

NHAs combine conservation, recreation, and economic development to form a cohesive, nationally important

landscape. The NHA Program currently includes 55 heritage areas. To track the performance of each NHA and facilitate mandated financial reporting, the NPS is requesting to use the two reporting forms listed below to collect information used to monitor the progress of each heritage area.

• *NPS Form 10–320 Annual Program Report—Part I Funding Report:* This form is used to allocate Heritage Partnership Program (HPP) funds and prepare the annual NPS Budget Justification in response to directives from Congress. The information gathered includes required non-federal match sources; organizational sustainability planning; Heritage Area accomplishments and any challenges using the HPP funds.

• *NPS Form 10–231 Annual Program Report—Part II Progress Report:* This form tracks progress and informs individual heritage area evaluations.

Title of Collection: National Heritage Areas Program Annual Reporting Forms.

OMB Control Number: 1024–NEW.

Form Number: NPS 10–320 and NPS 10–321.

Type of Review: A new collection in use without OMB Approval.

Respondents/Affected Public: NHA Coordinating Entities; Not-for-profit entities; Federal Commissions; Institutions of Higher Education; State and local governments.

Total Estimated Number of Annual Respondents: 55.

Total Estimated Number of Annual Responses: 110.

Estimated Completion Time per Response: Varies from 10 hours to 45 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 3,025.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: None.

Respondent and forms	Annual number of responses	Average completion time per form	Total burden (hours) *
Part I Financial Report (Form 10–320):			
NHA Coordinating Entities—Private	43	10	430
NHA Coordinating Entities—Local/State Gov	12	15	180
Subtotal	*55*		*610*
Part II Progress Report (Form 10–321):			
NHA Coordinating Entities—Private	43	45	1,935
NHA Coordinating Entities—Local/State Gov	12	40	480
Subtotal	*55*		*2,415*
Total	110		3,025

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2021–05077 Filed 3–10–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 01–21]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

TIME AND DATE: Thursday, March 25, 2021, at 10:00 a.m.

PLACE: This meeting will be held by teleconference. There will be no physical meeting place.

STATUS: Open. Members of the public who wish to observe the meeting via teleconference should contact Patricia M. Hall, Foreign Claims Settlement Commission, Tele: (202) 616–6975, two business days in advance of the meeting. Individuals will be given call-in information upon notice of attendance to the Commission.

MATTERS TO BE CONSIDERED: 10:00 a.m.—Issuance of Proposed Decisions under the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114–328.

CONTACT PERSON FOR MORE INFORMATION: Requests for information, advance notices of intention to observe an open meeting, and requests for teleconference dial-in information may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 441 G St. NW, Room 6234, Washington, DC 20579. Telephone: (202) 616–6975.

Jeremy LaFrancois,

Chief Administrative Counsel.

[FR Doc. 2021–05121 Filed 3–9–21; 11:15 am]

BILLING CODE 4410–BA–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Information Collection Activities; Comment Request

AGENCY: Bureau of Labor Statistics, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance 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 can be 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 can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed reinstatement, with change of the Survey of Respirator Use and Practices.'' A copy of the

proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before May 10, 2021.

ADDRESSES: Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE, Washington, DC 20212. Written comments also may be transmitted by email to *BLS_PRA_Public@bls.gov.*

FOR FURTHER INFORMATION CONTACT: Nora Kincaid, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The Survey of Respirator Use and Practices (SRUP) is a nationwide survey that the Bureau of Labor Statistics (BLS) will conduct at the request of the National Institute for Occupational Safety and Health (NIOSH). Data collection for the SRUP will start in early 2022.

In 2001, NIOSH partnered with BLS to conduct the first voluntary Survey of Respirator Use and Practices. This survey revealed important insights into respiratory use and hazards in the U.S. used by researchers, policy advisors, and regulators to further the mission of protecting U.S. workers from airborne hazards. Since then, there have been major shifts in the U.S. economy representing the potential for a drastic change in how respirators are used and the workers who may be at risk for occupational respiratory disease across a vast array of industrial settings. This calls for a contemporary understanding of the types of establishments, industries, and occupations that use respirators, why they use them, and how they manage them.

In a 2007 assessment of the survey conducted by the National Academies of Sciences, Engineering, and Medicine (NASEM), both NIOSH and BLS were applauded ''for undertaking this pioneering data collection in order to improve understanding of respirator use in industry.'' The NASEM assessment further suggested that the survey fulfilled a necessary function of NIOSH's surveillance efforts. The committee recommended that NIOSH continue to address data needs to evaluate and improve NIOSH's respirator approval program by periodically updating the data to ensure that a current understanding of respirator use in the U.S. is maintained to inform accurate decision making in this area. This survey thereby follows the National Academies' research committee recommendations to provide a current understanding of respirator use in industry.

II. Current Action

Office of Management and Budget clearance is being sought for the Survey of Respirator Use and Practices.

NIOSH has a continuing need for more in-depth usage data to evaluate the approval of respiratory protective devices under 42 CFR 84 CFR to pinpoint areas of non-conformance and where education and training efforts are needed. The data collected from the survey of Respirator use and Practices will be used by NIOSH to (1) establish prevalence of exposure to hazardous atmospheres, (2) determine the prevalence of respirator use, (3) determine the type of respirators being used and what types of contaminants they are being used to mitigate, (4) determine how respirators are used in the workplace, (5) whether employers optimally manage use for maximum worker protection, and (6) determine opportunities for improving respirator technologies. The survey also has the additional, newly added objective of determining the impact of the COVID–19 pandemic on respirator use in the workplace.

Twenty years after the initial survey, NIOSH again is collaborating with BLS to administer a voluntary Survey of Respirator Use and Practices, thereby following the National Academies' research committee recommendations to provide a current understanding of respirator use in industry. By establishing the current state of practice, high yield endeavors designed to reduce fatalities, injuries and illnesses related to occupational respiratory hazards in the U.S. may be targeted for policy, funding, outreach, and education by NIOSH's respirator approval program, the programs of occupational safety and health regulatory bodies within the U.S. (OSHA and MSHA), U.S. employers, and respiratory protection research and development.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- 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.
- 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.

Title of Collection: Survey of Respirator Use and Practices.

OMB Number: 1220–0171.

Type of Review: Reinstatement, with change.

Affected Public: Private Sector, Business or other for-profits, Not-for-profit institutions, Farms.

Total Respondents: 90,000.

Frequency: One time collection.

Total Responses: 90,000.

Average Time per Response: 28.5 minutes.

Estimated Total Burden Hours: 42,750 hours.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

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

Mark Staniorski,

Chief, Division of Management Systems.

[FR Doc. 2021–05043 Filed 3–10–21; 8:45 am]

BILLING CODE 4510–24–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–1151; NRC–2021–0062]

Westinghouse Electric Company, LLC; Columbia Fuel Fabrication Facility; and US Ecology, Inc.; Idaho Resource Conservation and Recovery Act Subtitle C Hazardous Disposal Facility Located Near Grand View, Idaho

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and finding of no significant impact (FONSI) related to a request for alternate

disposal, exemptions, and associated license amendment for the disposition of waste containing byproduct material and special nuclear material (SNM) from the Westinghouse Electric Company, LLC's (WEC) Columbia Fuel Fabrication Facility (CFFF) in Hopkins, South Carolina, under License Number SNM–1107. The material will be transported to and disposed consistent with a previously granted exemption granted to WEC and the US Ecology, Inc. (USEI) disposal facility, located near Grand View, Idaho, which is a Subtitle C Resource Conservation and Recovery Act (RCRA) hazardous waste disposal facility permitted by the State of Idaho to receive low-level radioactive waste. The NRC is also considering the related action of approving a corresponding exemption to USEI. Approval of the alternate disposal request from WEC and the exemptions requested by WEC and USEI would allow WEC to transfer the specific waste from CFFF for disposal at USEI.

DATES: The EA and FONSI referenced in this document are available on March 11, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0062 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–2021–0062. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *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 FURTHER INFORMATION CONTACT: David Tiktinsky, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8740, email: *David.Tiktinsky@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated February 8, 2021, WEC requested an exemption and associated license amendment to License SNM–1107, issued for the operation of CFFF located in Hopkins, South Carolina pursuant to section 20.2002 of title 10 of the *Code of Federal Regulations* (10 CFR). By letter dated February 25, 2021, USEI incorporated the WEC application in its request for a corresponding exemption. The requests are for NRC authorization for an alternate disposal of specified NRC-licensed byproduct and SNM from the CFFF. As required by 10 CFR 51.21, the NRC conducted an EA. Based on the results of the EA that follows, the NRC has determined that pursuant to 10 CFR 51.31, preparation of an environmental impact statement for the exemption request is not required and pursuant to 10 CFR 51.32, issuance of a FONSI is appropriate.

Westinghouse had previously requested and received an exemption and license amendment, dated December 9, 2020 to, among other things, transfer approximately 1428 m^3 (50,400 ft^3) of solid contaminated Calcium Fluoride (CaF_2) sludge to the USEI RCRA Subtitle C hazardous waste disposal facility near Grand View, Idaho that was dredged from the Calcium Fluoride Lagoons and subsequently placed in a storage pile. USEI was granted a corresponding exemption to receive and dispose of this material on December 9, 2020.

After Westinghouse moved the CaF_2 sludge dredged from the Calcium Fluoride Lagoons, WEC discovered that the actual volume was less than the 1428 m^3 (50,400 ft^3) previously estimated. The actual volume was 694 m^3 (24,500 ft^3). In its subsequent application, WEC stated its intent to use other, similar CaF_2 material in order to aggregate the waste for disposal as requested and approved in the December 9, 2020 authorization. In its February 8, 2021 letter, WEC requested an exemption and license amendment to dispose of 733 m^3 (25,900 ft^3) of similar CaF_2 from another source, the ''Operations'' pile. The total amount of CaF_2 material (from the previous approval and that under consideration here) would not exceed the previously approved volume of 1428 m^3 (50,400 ft^3), nor would it exceed the parameters of the radiological characterization that formed the basis of the NRC staff's previous approvals, as documented in the Safety Evaluation Report (SER).

II. Environmental Assessment

Description of the Proposed Action

WEC and USEI requested NRC approval for a 10 CFR 20.2002 alternate disposal request, exemptions to 10 CFR part 70.3 and 10 CFR 30.3, and a conforming WEC license amendment to allow WEC to transfer specific waste from CFFF for disposal at the USEI disposal facility.

Waste being considered in this request includes approximately 708 m^3 (25,900 ft^3) of previously dredged CaF_2 sludge being stored on the operations pile. WEC proposes to mix this material with other waste and Portland cement to stabilize the material for shipping. WEC proposes to transport this aggregated waste stream to USEI using a combination of trucks and railcars. The combined volume of CaF_2 sludge disposed of under the December 9, 2020 authorization and that under consideration here would not exceed the previously approved volume of 1,428 m^3 (50,400 ft^3) of CaF_2.

The waste streams would be transported from CFFF in South Carolina to the USEI facility, Grand View, Idaho in the Owyhee Desert. The USEI facility is an RCRA Subtitle C hazardous waste disposal facility permitted by the State of Idaho. The USEI site has both natural and engineered features that limit the transport of radioactive material. The natural features include a low precipitation rate [*i.e.,* 18.4 cm/year (7.4 in./year)] and a long vertical distance to groundwater (*i.e.,* 61-meter (203-ft) thick on average unsaturated zone below the disposal zone). The engineered features include an engineered cover, liners, and leachate monitoring systems. Because the USEI facility is not licensed by the NRC, this proposed action requires the NRC to exempt USEI from the Atomic Energy Act of 1954, and NRC licensing requirements with respect to USEI's requested receipt and disposal of this material.

Need for the Proposed Action

The need for the proposed action is to authorize a safe and appropriate method of disposal for the subject waste material generated during day-to-day activities and currently being stored at

the CFFF. Specifically, the East Lagoon is in the process of being closed in accordance with a consent agreement and regulations set by the South Carolina Department of Health and Environmental Control (SCDHEC). Thus, material associated with the East Lagoon must be removed from the site in order to comply with regulatory requirements. As was the case with the May 8, 2020 request, the subject CaF_2 material and Portland cement would be used to stabilize this material for transport and disposal. The proposed alternate disposal would also conserve low-level radioactive waste disposal capacity at licensed low-level radioactive disposal sites while ensuring that the material being considered is disposed of safely in a regulated facility.

Environmental Impacts of the Proposed Action

The NRC staff reviewed the information provided by WEC to support their 10 CFR 20.2002 alternate disposal request and for the specific exemptions from 10 CFR 30.3 and 10 CFR 70.3 in order to dispose of the CaF_2 waste. Under the 10 CFR 20.2002 criteria, a licensee may seek NRC authorization to dispose of licensed material using procedures not otherwise authorized by NRC regulations. The licensee's supporting analysis must show that the radiological doses arising from the proposed 10 CFR 20.2002 disposal will be as low as reasonably achievable and within the 10 CFR part 20 dose limits.

WEC previously performed a radiological assessment in consultation with USEI. Based on this assessment, WEC concluded that potential doses to members of the public, including transportation workers and USEI workers involved in processing and disposing of the waste upon its arrival at USEI, are less than 1 mrem/y, well within the ''few mrem'' criteria that the NRC established (see NUREG–1757, Volume 1, Revision 2).

As documented in the SER, the NRC staff reviewed scenarios and related input parameters considered by WEC and USEI and found that they are appropriate for the scenarios considered. The NRC staff also reviewed the projected doses from the post-closure and intruder scenarios at USEI and found them acceptable. NRC staff did note that the inadvertent intruder construction scenario had potential doses that were larger than the other inadvertent intruder scenarios evaluated, but the NRC does not consider this scenario to be feasible due to the configuration of the disposal cells and USEI's waste disposal practices. NRC staff also notes that the proposed disposals are also subject to regulation under RCRA. These conclusions are consistent with the NRC's findings in its SER for the previous request, reflective of the similar radiological characteristics of the material from the operations pile and that described in the May 8, 2020 request.

Based upon its the previously noted evaluation and its assessment of the potential impacts of the proposed action, in addition to focusing on the potential radiological impacts as previously discussed, this EA next considers potential environmental impacts from non-radiological materials. With regard to potential non-radiological impacts, the NRC staff concludes that approval of the proposed request to dispose of material with small amounts of radioactive material would not have significant environmental impacts, including effects on non-radiological effluents, air quality, or noise. In addition, approval of the proposed action will not significantly increase the probability or consequences of accidents as well as occupational and public radiation exposure because of the quantities and forms of material involved, as further evaluated in the NRC's SER.

Therefore, due to the very small amounts of radioactive material involved, the evaluation noted earlier, and the NRC staff's analysis in the SER and its SER for the May 8, 2020 request, the NRC staff finds that the environmental impacts of the proposed action are not significant.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered the no-action alternative in which the NRC staff would deny the disposal request. Denial of the request would require WEC to find another disposal pathway for this material, and would ultimately only change the location of the disposal site. All other factors would remain the same or similar. Therefore, the no-action alternative was not further considered. NRC staff also notes that pursuing the no-action alternative would result in the licensee potentially violating the SCDHEC requirements to remove the material from the East Lagoon so that it can be remediated while it identifies another disposal option.

III. Finding of No Significant Impact

The proposed action consists of NRC approval of (a) WEC's and USEI's alternate disposal requests under 10 CFR 20.2002, (b) WEC and USEI's exemption request under 10 CFR 30.11(a) and 10 CFR 70.11(a), and (c) the issuance of a conforming license amendment to WEC. Based on this EA, the NRC finds that there are no significant environmental impacts from the proposed action. Therefore, the NRC has determined, pursuant to 10 CFR 51.31, that preparation of an environmental impact statement is not required for the proposed action and a FONSI is appropriate.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No.
Request for Alternate Disposal Approval and Exemption for Specific Columbia Fuel Fabrication Waste, dated February 8, 2021.	ML21039A719.
Request for Exemptions under 10 CFR 30.11 and 10 CFR 70.17 for Alternate Disposal of Wastes from Columbia Fuel Fabrication Facility under 10 CFR 20.2002, dated February 25, 2021.	ML21061A273.
Westinghouse Electric Company, LLC—Amendment 25 to Material License SNM–1107, Exemption for Alternate Disposal of Specific Waste (Enterprise Project Identifier L–2020–LLL–0009), dated December 9, 2020.	ML20302A084.
Exemption for Alternate Disposal of Specific Waste from the Westinghouse Columbia Fuel Fabrication Facility under 10 CFR 20.2002, 10 CFR 30.11 and 10 CFR 70.17, dated December 9, 2020.	ML20304A341.
Request for Alternate Disposal Approval and Exemption for Specific Columbia Fuel Fabrication Facility Waste (License No. SNM–1197, Docket No. 70–1151), dated May 8, 2020.	ML20129J934 (Package).
Request for Exemptions under 10 CFR 30.11 and 10 CFR 70.17 for Alternate Disposal of Wastes from Columbia Fuel Fabrication Facility under 10 CFR 20.2002, dated May 11, 2020.	ML20280A601.

Document	ADAMS accession No.
Response to Request for Additional Information—Alternate Disposal Approval and Exemptions for Specific Columbia Fuel Fabrication Facility Waste (License No. SNM–1107, Docket No. 70–1151), dated October 13, 2020.	ML20287A545.
Response to Request for Additional Information—Alternate Disposal Approval and Exemptions for Specific Columbia Fuel Fabrication Facility Waste (License No. SNM–1107, Docket No. 70–1151), dated September 22, 2020.	ML20266G551.
Safety Evaluation Report	ML20302A085.
NUREG–1757, Volume 1, Revision 2, ''Consolidated Decommissioning Guidance''	ML063000243.

Dated: March 8, 2021.

For the Nuclear Regulatory Commission.

Jacob I. Zimmerman,

Chief, Fuel Facility Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–05094 Filed 3–10–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of March 15, 22, 29, April 5, 12, 19, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of March 15, 2021

Monday, March 15, 2021

10:45 a.m. Affirmation Session (Public Meeting) (Tentative)

Southern Nuclear Operating Co., Inc. (Vogtle Electric Generating Plant Unit 3); Motion to Reopen (Tentative)

(Contact: Wesley Held: 301–287–3591)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live; via teleconference. Details for joining the teleconference in listen only mode may be found at *https://www.nrc.gov/pmns/mtg.*

Week of March 22, 2021—Tentative

There are no meetings scheduled for the week of March 22, 2021.

Week of March 29, 2021—Tentative

There are no meetings scheduled for the week of March 29, 2021.

Week of April 5, 2021—Tentative

There are no meetings scheduled for the week of April 5, 2021.

Week of April 12, 2021—Tentative

Tuesday, April 13, 2021

9:00 a.m. Briefing on Advanced Reactor Preparedness Through Regulatory Engagement and Research Cooperation (Public Meeting)

(Contact: Marilyn Diaz Maldonado: 301–415–7110)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

Week of April 19, 2021—Tentative

There are no meetings scheduled for the week of April 19, 2021.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: March 8, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–05129 Filed 3–9–21; 11:15 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 11, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 2, 2021, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 688 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2021–71, CP2021–74.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2021–05011 Filed 3–10–21; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91260; File No. SR–CboeEDGX–2021–013]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule

March 5, 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 March 1, 2021, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the fee schedule applicable to Members and non-Members of the Exchange pursuant to EDGX Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule in connection with its standard removing liquidity fees and Add/Remove Volume Tiers. The Exchange proposes to implement the proposed change to its fee schedule on March 1, 2021.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information,[3] no single registered equities exchange has more than 19% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Maker-Taker'' model whereby it pays credits to members that provide liquidity and assesses fees to those that remove liquidity. The Exchange's fee schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders priced at or above $1.00, the Exchange provides a standard rebate of $0.00160 per share for orders that add liquidity and assesses a fee of $0.00270 per share for orders that remove liquidity. For orders priced below $1.00, the Exchange provides a standard rebate of $0.00009 per share for orders that add liquidity and assesses a fee of 0.30% of Dollar Value for orders that remove liquidity. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

Standard Removing Liquidity Fee

As stated above, the Exchange currently provides a standard fee of $0.00270 per share for liquidity removing orders (*i.e.,* those yielding fee codes N,[4] W,[5] 6,[6] BB,[7] and ZR[8]) in securities priced at or above $1.00. Orders in securities priced below $1.00 that remove liquidity are assessed a fee of 0.30% of the dollar value. The Exchange now proposes to increase the current standard fee of $0.00270 per share to $0.00280 per share for orders that remove liquidity for securities priced at or above $1.00. Orders that remove liquidity in securities priced below $1.00 would continue to be assessed a fee of 0.30% of the dollar value. Although this proposed standard fee for liquidity removing orders is higher than the current base rate for such orders, the proposed fee is in line with similar fees for liquidity removing orders in place on other exchanges.[9]

Growth Tier 2 & Non-Displayed Step-Up Tier

In addition to the standard fees and rebates, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Currently, the Exchange provides for certain Add/Remove Volume Tiers under footnote 1 of the Fee Schedule. More specifically, the Add/Remove Volume Tiers provide for seven different volume tiers that offer enhanced rebates on Members' orders yielding fee codes ''B''[10], ''V''[11], ''Y''[12],

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (February 24, 2021), available at *https://markets.cboe.com/us/equities/market_statistics/.*

[4] Appended to orders that remove liquidity from EDGX (Tape C) and charges a fee of $0.00270 per share.

[5] Appended to orders that remove liquidity from EDGX (Tape A) and charges a fee of $0.00270 per share.

[6] Appended to orders that remove liquidity from EDGX, pre and post market (All Tapes) and charges a fee of $0.00270 per share.

[7] Appended to orders that remove liquidity from EDGX (Tape B) and charges a fee of $0.00270 per share.

[8] Appended to retail orders that remove liquidity from EDGX and charges a fee of $0.00270 per share.

[9] E.g., the Nasdaq base fee rate of $0.0030 for liquidity removing orders in securities priced at or above $1.00. *See https://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2.*

[10] Appended to orders that add liquidity to EDGX (Tape B) and offers a rebate of $0.00160 per share.

[11] Appended to orders that add liquidity to EDGX (Tape A) and offers a rebate of $0.00160 per share.

[12] Appended to orders that add liquidity to EDGX (Tape C) and offers a rebate of $0.00160 per share.

''3'' [13] and ''4'' [14], where a Member reaches certain volume-based criteria offered in each tier. Two of these tiers are ''Growth Tiers'', which are designed to encourage growth in order flow by providing specific criteria in which Members must increase their relative liquidity each month over a predetermined baseline. Growth Tier 2, for example, provides an enhanced rebate of $0.0030 on qualifying orders (*i.e.,* B, V, Y, 3 and 4) where a Member has (1) a Retail Step-Up Add TCV [15] (*i.e.,* yielding fee code ZA) [16] from January 2021 that is greater than or equal to 0.10%; (2) an add ADV [17] greater than or equal to 0.50% of the TCV; and (3) removes an ADV of greater than or equal to 0.80% of the ADV. The Exchange now proposes to amend the third criteria of the Growth Tier 2 to provide for Members who remove an ADV of greater than or equal to 0.75% of the ADV, rather than 0.80%.

Additionally, under the Add/Remove Volume Tiers in footnote 1 of the Fee Schedule the Exchange also provides for the Non-Displayed Step-Up Tier, which offers enhanced rebates on Members' orders yielding fee codes ''DM'' [18], ''HA'' [19], ''MM'' [20] and ''RP'' [21] where a Member reaches certain required volume-based criteria offered in each tier. The Non-Displayed Step-Up Tier provides an enhanced rebate of $0.0025 where a Member has: (1) A Step-Up Add TCV from January 2021 greater than or equal to 0.10%; (2) adds an ADV greater than or equal to 0.50% of the TCV; and (3) removes an ADV of greater than or equal to 0.80% of the TCV. The Exchange now proposed to amend the third criteria of the Non-Displayed Step-Up Tier to provide for Members who remove an ADV of greater than or equal to 0.75% of the ADV, rather than 0.80%.

Both the Growth Tier 2 and the Non-Displayed Step-Up Tier, as amended, offer the same three-pronged criteria and are designed to incentivize overall order flow, particularly by offering enhanced rebates for both displayed (*i.e.,* B, V, Y, 3 and 4) and non-displayed (DM, HA, MM and RP) orders if a Member meets the different, incrementally more difficult criteria as amended in Growth Tier 2 and Non-Displayed Step-Up Tier. Particularly, the proposed amendment to the third prong of the criteria is designed to encourage a Member to increase liquidity removing volume.

Remove Volume Tier

Pursuant to footnote 1 of the Fee Schedule, the Exchange offers a Remove Volume Tier (Tier 1) that provides Members an opportunity to receive a reduced fee of $0.0026 for liquidity removing orders that yield fee codes BB, N, and W. To qualify for the current Remove Volume Tier, a Member must have an ADAV [22] of greater than or equal to 0.25% of the TCV with displayed orders that yield fee codes B, V or Y. The Exchange now proposes to incrementally increase the reduced fee to $0.0027 based on the proposed standard fee change. Additionally, the Exchange proposes to offer an alternative qualification for the Remove Volume Tier for a Member that adds Retail Order ADV (*i.e.,* yielding fee code ZA) of greater than or equal to 0.45% of the TCV. The proposal is designed to encourage a Member to increase Retail Order liquidity removing volume.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act,[23] in general, and furthers the requirements of Section 6(b)(4),[24] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient.

In particular, the Exchange believes that the proposed amendment to increase the standard removing liquidity fee is reasonable, equitable and non-discriminatory because the proposed change represents a modest fee increase and such fee is equally applicable to all liquidity removing orders and thus is also equally applicable to all Members of the Exchange. Additionally, as noted above, the Exchange operates in a highly competitive market. The Exchange is only one of several equity venues to which market participants may direct their order flow, and it represents a relativel [sic] small percentage of the overall market. Moreover, the proposed standard fee for liquidity removing orders is still lower than that offered at other exchanges for similar transactions.[25]

The Exchange believes the proposed changes to Growth Tier 2, the Non-Displayed Step-Up Tier, and the Remove Volume Tier are reasonable because they either amend an existing opportunity or add an alternative opportunity for Members to receive an enhanced rebate or reduced fee on qualifying orders by means of overall order flow, including liquidity adding and removing orders. The Exchange notes that relative volume-based incentives and discounts have been widely adopted by exchanges,[26] including the Exchange,[27] and are reasonable, equitable and non-discriminatory because they are open to all members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume and/or growth thresholds. These

[13] Appended to orders that add liquidity to EDGX pre and post market (Tape A or C) and offers a rebate of $0.00160 per share.

[14] Appended to orders that add liquidity to EDGX pre and post market (Tape B) and offers a rebate of $0.00160 per share.

[15] ''Step-Up Add TCV'' means ADAV as a percentage of TCV in the relevant baseline month subtracted from current ADAV as a percentage of TCV. ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. ''ADAV'' means ADAV means average daily added volume calculated as the number of shares added per day. ADAV is calculated on a monthly basis.

[16] Appended to Retail Orders that add liquidity to EDGX and offers a rebate of $0.0032 per share.

[17] ''ADV'' means average daily volume calculated as the number of shares added to, removed from, or routed by, the Exchange, or any combination or subset thereof, per day. ADV is calculated on a monthly basis.

[18] Appended to orders that add liquidity using MidPoint Discretionary order within discretionary range and are provided a rebate of $0.00100.

[19] Appended to non-displayed orders that add liquidity and are provided a rebate of $0.00100.

[20] Appended to non-displayed orders that add liquidity using Mid-Point Peg and are provided a rebate of $0.00100.

[21] Appended to non-displayed orders that add liquidity using Supplemental Peg and are provided a rebate of $0.00100.

[22] ADAV means average daily volume calculated as the number of shares added per day. ADAV is calculated on a monthly basis.

[23] 15 U.S.C. 78f.

[24] 15 U.S.C. 78f(b)(4).

[25] *See* supra note 9.

[26] *See e.g.,* Nasdaq PSX Price List, Rebate to Add Displayed Liquidity (Per Share Executed), and Rebate to Add Other Non-Displayed Liquidity, which provide rebates to members for adding displayed and non-displayed liquidity over certain thresholds of TCV ranging between $0.00075 and $0.00305, available at *http://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2*; and Cboe BZX U.S. Equities Exchange Fee Schedule, Footnote 1, Add Volume Tiers, which provides similar incentives for displayed and non-displayed liquidity and offers rebates ranging between $0.0018 and $0.0031.

[27] *See generally,* Cboe EDGX U.S. Equities Exchange Fee Schedule, Footnote 1, Add Volume Tiers.

competing pricing schedules, moreover, are presently comparable to those that the Exchange provides, including the pricing of comparable tiers.[28]

Moreover, the Exchange believes the proposed tiers are a reasonable means to encourage overall growth in Members' overall order flow to the Exchange and to incentivize Members to continue to provide liquidity adding and liquidity removing to the Exchange by offering them a different or additional opportunity than those opportunities currently under the Add/Remove Volume Tiers to receive an enhanced rebate on qualifying orders. The Exchange believes that the proposed tiers will generally benefit all market participants by incentivizing continuous liquidity and thus, deeper more liquid markets as well as increased execution opportunities. Indeed, the Exchange notes that greater add volume order flow may provide for deeper, more liquid markets and execution opportunities, and greater remove volume order flow may increase transactions on the Exchange, which the Exchange believes incentivizes liquidity providers to submit additional liquidity and execution opportunities, thus, providing an overall increase in price discovery and transparency on the Exchange.

Further, the Exchange believes that the proposed tier changes are reasonable as they do not represent a significant departure from the current criteria or enhanced rebates currently offered in the Fee Schedule. First, the Exchange believes that modifying third criteria in Growth Tier 2 and the Non-Displayed Step-Up Tier is reasonably designed to ease the current criteria and therefore incentivize Members to achieve the enhanced rebate. Second, the Exchange believes that the increase to the Remove Volume Tier is reasonable as the fee increase is incremental to the proposed change to the standard liquidity removing fee. Further, the proposed additional criteria option to achieve the Remove Volume Tier in is reasonable as it would incentivize Members to meet certain liquidity adding Retail Order thresholds.

The Exchange believes that the proposal represents an equitable allocation of fees and rebates and is not unfairly discriminatory because all Members will continue to be eligible for the Growth Tier 2, Non-Displayed Step-Up Tier, and Remove Volume Tier, as amended. All Members will have the opportunity to meet the three tiers' criteria and will receive the proposed corresponding enhanced rebates or reduced fee for their respective qualifying orders if they meet such criteria. Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for the proposed tiers. While the Exchange has no way of predicting with certainty how the proposed tier will impact Member activity, the Exchange anticipates that at least three Members will be able to compete for and reach the amended criteria in Growth Tier 2 and the Non-Displayed Step-Up Tier, and at least six Members will be able to compete for and reach the amended criteria in the Remove Volume Tier. The Exchange anticipates that multiple Member types will compete to reach the proposed tiers, broker-dealers and liquidity providers, each providing distinct types of order flow to the Exchange to the benefit of all market participants. The Exchange also notes that proposed tiers will not adversely impact any Member's pricing or ability to qualify for other reduced fee or enhanced rebate tiers. Should a Member not meet the proposed criteria under either of the proposed tiers, the Member will merely not receive that corresponding enhanced rebate.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed rule change does not impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purpose of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including 15 other equities exchanges and off-exchange venues and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 19% of the market share.[29] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [30] The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[31] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[28] *See supra* note 3.

[29] *See* supra 3.

[30] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[31] *See* 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)).

The Exchange believes the proposed rule changes do not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed change to the standard removing liquidity fee applies to all liquidity removing orders equally, and thus applies to all Members equally. Similarly, the proposed tier changes apply to all Members equally in that all Members are eligible for the amended Growth Tier 3, Non-Displayed Step-Up Tier, and Remove Volume Tier, and have a reasonable opportunity to meet the tiers' criteria and will all automatically and uniformly receive the corresponding enhanced rebate on their respective qualifying orders if such criteria is met. Additionally, the proposed changes to the tier criteria are designed to attract additional overall order flow to the Exchange. The Exchange believes that the amended tier criteria would incentivize market participants to grow their overall order flow submitted to the Exchange, both liquidity adding and removing order flow, bringing with it improved price transparency. The Exchange believes greater overall order flow and pricing transparency benefits all market participants on the Exchange by providing more trading opportunities, enhancing market quality, and continuing to encourage Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem, which benefits all market participants.

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 [32] and paragraph (f) of Rule 19b–4 [33] 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–CboeEDGX–2021–013 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2021–013. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2021–013 and should be submitted on or before April 1, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05023 Filed 3–10–21; 8:45 am]

BILLING CODE 8011–01–P

[32] 15 U.S.C. 78s(b)(3)(A).

[33] 17 CFR 240.19b–4(f).

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91265; File No. SR–CboeBZX–2020–053]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of Amendment Nos. 2 and 4 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 2 and 4, To List and Trade Shares of the 2x Long VIX Futures ETF Under BZX Rule 14.11(f)(4) (Trust Issued Receipts)

March 5, 2021.

I. Introduction

On June 23, 2020, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the 2x Long VIX Futures ETF (''Fund''), a series of VS Trust (''Trust''), under BZX Rule 14.11(f)(4) (Trust Issued Receipts). On June 26, 2020, the Exchange filed Amendment No. 1 to the proposed rule change. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on July 10, 2020.[3] On August 13, 2020, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On October 7, 2020, the Commission instituted

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89234 (July 6, 2020), 85 FR 41644. Comments on the proposed rule change can be found at: *https://www.sec.gov/comments/sr-cboebzx-2020-053/srcboebzx2020053.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 89545, 85 FR 51124 (August 19, 2020). The Commission designated October 8, 2020, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

proceedings pursuant to Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] On December 15, 2020, the Commission designated a longer period for Commission action on the proposed rule change.[8] On February 1, 2021, the Exchange filed Amendment No. 2 to the proposed rule change, which replaced and superseded the proposed rule change as modified by Amendment No. 1.[9] On February 19, 2021, filed partial Amendment No. 4 to the proposed rule change.[10] The Commission is publishing this notice to solicit comments on Amendment Nos. 2 and 4 from interested persons, and is approving the proposed rule change, as modified by Amendment Nos. 2 and 4, on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment Nos. 2 and 4[11]

The Exchange proposes to list and trade Shares of the Fund[12] under BZX Rule 14.11(f)(4), which governs the listing and trading of Trust Issued Receipts[13] on the Exchange. Volatility Shares LLC (''Sponsor''), a Delaware limited liability company and a commodity pool operator, serves as the Sponsor of the Trust.[14] Tidal ETF Services LLC serves as the administrator; U.S. Bank National Association serves as custodian of the Fund and the Shares; U.S. Bancorp Fund Services, LLC serves as the sub-administrator and transfer agent; and Wilmington Trust Company is the sole trustee of the Trust.

The Fund seeks to provide a return that is 200% of the return of its benchmark index for a single day. The benchmark for the Fund is the Long VIX Futures Index (LONGVOL) (''Index'').[15] The Index measures the daily performance of a theoretical portfolio of first- and second-month futures contracts on the Cboe Volatility Index (''VIX'').[16] The Index is comprised of VIX futures contracts (''VIX Futures Contracts'').[17] Specifically, the Index components represent the prices of the two near-term VIX Futures Contracts, replicating a position that rolls the nearest month VIX Futures Contract to the next month VIX Futures Contract on a daily basis in equal fractional amounts, resulting in a constant weighted average maturity of approximately one month.[18] The Index seeks to reflect the returns that are potentially available from holding an unleveraged long position in first- and second-month VIX Futures Contracts by measuring its daily performance from the weighted average price of VIX Futures Contracts.[19]

To pursue its investment objective, the Fund will primarily invest in VIX Futures Contracts based on components of the Index. The Fund will primarily acquire long exposure to the VIX through VIX Futures Contracts, such that the Fund has exposure intended to approximate 200% of the return of the Index at the time of the net asset value (''NAV'') calculation of the Fund.[20] However, in the event that the Fund is unable to meet its investment objective solely through investment in VIX

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 90118, 85 FR 64563 (October 13, 2020) (''OIP'').

[8] *See* Securities Exchange Act Release No. 90671, 85 FR 83136 (December 21, 2020) (designating March 7, 2021 as the date by which the Commission shall approve or disapprove the proposal).

[9] In Amendment No. 2, the Exchange: (i) Updated the information regarding the Fund's registration statement; (ii) clarified that the Index (defined below) seeks to reflect the returns that are potentially available from holding an unleveraged long position in first- and second- month VIX Futures Contracts (defined below) by measuring its daily performance from the weighted average price of VIX Futures Contracts; (iii) stated that the Sponsor (defined below) will seek to minimize the market impact of rebalances across all exchange traded products based on VIX Futures Contracts (''VIX ETPs'') that it sponsors (''Funds'') on the price of VIX Futures Contracts by limiting such Funds' participation, on any given day, in VIX Futures Contracts to no more than ten percent (10%) of the contracts traded on Cboe Futures Exchange during any Rebalance Period (defined below); (iv) stated that, in the event the Funds expect to hit this 10% threshold during the primary Rebalance Period from 3:45 p.m. to 4:00 p.m. E.T., the Funds would extend their respective rebalances into additional Rebalance Periods and the Trade At Settlement (''TAS'') market; (v) stated that, to limit participation during periods of market illiquidity, the Sponsor may vary the manner and period over which all funds it sponsors are rebalanced, including the Fund, and that Funds will be allocated executions based on their percentage of notional transaction volume required; (vi) stated that the Index's use of a weighted average price reference and the Sponsor's commitment to cap participation in the VIX futures market during any Rebalance Period to no more than 10% for all Funds should, among other things, help reduce the market impact of all exposure to the VIX futures market; (vii) stated that, in reviewing VIX Futures Contracts trading back to March 26, 2004, the Fund expects that it would have participated in an Extended Rebalance Period (defined below) on one or more days only in February 2018 and March 2020; and (viii) made technical, clarifying, and conforming changes. Amendment No. 2 is available at: *https://www.sec.gov/comments/sr-cboebzx-2020-053/srcboebzx2020053-8324963-228603.pdf*.

[10] On February 16, 2021, the Exchange submitted Amendment No. 3 to the proposed rule change, and on February 19, 2021, the Exchange withdrew Amendment No. 3 to the proposed rule change. In Amendment No. 4, the Exchange added a representation that the Fund will notify both the Exchange and the Commission in the event that the Fund participates in an Extended Rebalance Period as soon as practicable, but no later than 9:00 a.m. E.T. on the trading day following the event. Amendment No. 4 is available at: *https://www.sec.gov/comments/sr-cboebzx-2020-053/srcboebzx2020053-8393734-229405.pdf*.

[11] Additional information regarding the Fund, the Trust, and the Shares, including investment strategies, creation and redemption procedures, and portfolio holdings can be found in Amendment No. 2, *supra* note 9.

[12] The Fund has submitted a registration statement on Form S–1 under the Securities Act of 1933, dated July 13, 2020 (File No. 377–03292) (''Registration Statement''). The Registration Statement for the Fund is not yet effective, and the Fund will not trade on the Exchange until such time that the Registration Statement is effective.

[13] Rule 14.11(f)(4) applies to Trust Issued Receipts that invest in ''Financial Instruments,'' defined in Rule 14.11(f)(4)(A)(iv) as any combination of investments, including cash; securities; options on securities and indices; futures contracts; options on futures contracts; forward contracts; equity caps, collars and floors; and swap agreements.

[14] The Sponsor is not a broker-dealer or affiliated with a broker-dealer. In the event that (a) the Sponsor becomes a broker-dealer or newly affiliated with a broker-dealer, or (b) any new sponsor is a broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition of and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the portfolio.

[15] The Index is sponsored by Cboe Global Indexes (''Index sponsor''). The Index sponsor is not a registered broker-dealer, but is affiliated with a broker-dealer and has implemented and will maintain a fire wall with respect to the broker-dealer affiliate regarding access to information concerning the composition of and/or changes to the Index. In addition, the Index sponsor has implemented and will maintain procedures that are designed to prevent the use and dissemination of material, non-public information regarding the Index.

[16] The Exchange states that the VIX is an index designed to measure the implied volatility of the S&P 500 over 30 days in the future. The VIX is calculated based on the prices of certain put and call options on the S&P 500. The VIX is reflective of the premium paid by investors for certain options linked to the level of the S&P 500.

[17] The Exchange states that VIX Futures Contracts are measures of the market's expectation of the level of VIX at certain points in the future, and as such, will behave differently than current, or spot, VIX. While the VIX represents a measure of the current expected volatility of the S&P 500 over the next 30 days, the prices of VIX Futures Contracts are based on the current expectation of what the expected 30-day volatility will be at a particular time in the future (on the expiration date).

[18] The Exchange states that the roll period usually begins on the Wednesday falling 30 calendar days before the S&P 500 option expiration for the following month (''Cboe VIX Monthly Futures Settlement Date'') and runs to the Tuesday prior to the subsequent month's Cboe VIX Monthly Futures Settlement Date.

[19] The Exchange states that because VIX Futures Contracts correlate to future volatility readings of VIX, while the VIX itself correlates to current volatility, the Index and the Fund should be expected to perform significantly different from the VIX over all periods of time. Further, unlike the Index, the VIX, which is not a benchmark for the Fund, is calculated based on the prices of certain put and call options on the S&P 500. According to the Exchange, while the Index does not correspond to the VIX, the value of the Index, and by extension the Fund, will generally rise as the VIX rises and fall as the VIX falls.

[20] The Exchange states the Fund's NAV will be calculated at 4:00 p.m. E.T.

Futures Contracts, it may invest in over-the-counter (''OTC'') swaps referencing the Index or referencing particular VIX Futures Contracts comprising the Index (''VIX Swap Agreements'')[21] or in listed VIX options contracts (''VIX Options Contracts,'' and, together with VIX Futures Contracts and VIX Swap Agreements, ''VIX Derivative Products''). The Fund may also invest in Cash or Cash Equivalents[22] that may serve as collateral to the Fund's investments in VIX Derivative Products.[23]

The Fund will seek to remain fully invested in VIX Derivative Products (and Cash and Cash Equivalents as collateral) that provide exposure to the Index consistent with its investment objective without regard to market conditions, trends or direction. The Fund's investment objective is a daily investment objective; that is, the Fund seeks to track the Index on a daily basis, not over longer periods.[24] Accordingly, each day, the Fund will position its portfolio so that it can seek to track the Index. The direction and extent of the Index's movements each day will dictate the direction and extent of the Fund's portfolio rebalancing. For example, if the level of the Index falls on a given day, net assets of the Fund would fall. As a result, exposure to the Index, through futures positions held by the Fund, would need to be decreased. The opposite would be the case if the level of the Index rises on a given day.

The time and manner in which the Fund will rebalance its portfolio is defined by the Index methodology but may vary from the Index methodology depending upon market conditions and other circumstances including the potential impact of the rebalance on the price of the VIX Futures Contracts. The Sponsor will seek to minimize the market impact of rebalances across all Funds[25] on the price of VIX Futures Contracts by limiting the Funds' participation, on any given day, in VIX Futures Contracts to no more than ten percent (10%) of the VIX Futures Contracts traded on Cboe Futures Exchange, Inc. (''CFE'') during any ''Rebalance Period,'' defined as any fifteen minute period of continuous market trading.[26] To limit participation during periods of market illiquidity, the Sponsor, on any given day, may vary the manner and period over which all funds it sponsors are rebalanced, and as such, the manner and period over which the Fund is rebalanced. The Sponsor believes that the Fund will enter an Extended Rebalance Period most often during periods of extraordinary market conditions or illiquidity in VIX Futures Contracts. In the event that the Fund participates in an Extended Rebalance Period, the Fund represents that it will notify the Exchange and the Commission of such participation as soon as practicable, but no later than 9:00 a.m. E.T. on the trading day following the event.

III. Discussion and Commission Findings

After careful review of the proposed rule change, as modified by Amendment Nos. 2 and 4, as well as the comment received, the Commission finds that the proposed rule change, as modified by Amendment Nos. 2 and 4, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[27] In particular, the Commission finds that the proposed rule change, as modified by Amendment Nos. 2 and 4, is consistent with Section 6(b)(5) of the Act,[28] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

A. Market Impact Considerations

In the OIP, the Commission sought additional comment to assess whether the proposal is consistent with the requirements in Section 6(b)(5) of the Act, and, specifically requested comment on the Fund's operation during periods with large percentage increases in volatility and the potential market impact of the Fund's daily rebalance.[29] As discussed below, the Commission finds that the Exchange's proposal regarding the rebalancing methodology of the Fund, as amended, is designed to protect investors and the public interest.

An exchange-traded product (''ETP'') like the Fund would need to rebalance its holdings daily. For an ETP that tracks a benchmark index, like the Fund, the greater the movement in the reference index, the more demand would be associated with its daily rebalance. Because of the potential for large, sudden moves in VIX levels, there is a potential for large spikes in rebalancing demand for VIX ETPs.

[21] The Exchange states the VIX Swap Agreements in which the Fund may invest may or may not be cleared. The Exchange states that the Fund will only enter into VIX Swap Agreements with counterparties that the Sponsor reasonably believes are capable of performing under the contract and will post collateral as required by the counterparty. The Exchange further states that the Fund will seek, where possible, to use counterparties, as applicable, whose financial status is such that the risk of default is reduced and that the Sponsor will evaluate the creditworthiness of counterparties on a regular basis. The Exchange states that, in addition to information provided by credit agencies, the Sponsor will review approved counterparties using various factors, which may include the counterparty's reputation, the Sponsor's past experience with the counterparty and the price/market actions of debt of the counterparty. According to the Exchange, the Fund may use various techniques to minimize OTC counterparty credit risk including entering into arrangements with counterparties whereby both sides exchange collateral on a mark-to-market basis. The Exchange states that collateral posted by the Fund to a counterparty in connection with uncleared VIX Swap Agreements is generally held for the benefit of the counterparty in a segregated tri-party account at the custodian to protect the counterparty against non-payment by the Fund.

[22] For purposes of the proposal, ''Cash and Cash Equivalents'' are short-term instruments with maturities of less than 3 months, including the following: (i) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (ii) certificates of deposit issued against funds deposited in a bank or savings and loan association; (iii) bankers' acceptances, which are short-term credit instruments used to finance commercial transactions; (iv) repurchase agreements and reverse repurchase agreements; (v) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (vi) commercial paper, which are short-term unsecured promissory notes; and (vii) money market funds.

[23] According to the Exchange, the Fund will collateralize its obligations with Cash and Cash Equivalents consistent with the Investment Company Act of 1940 and interpretations thereunder.

[24] The Exchange states that the return of the Fund for a period longer than a single day is the result of its return for each day compounded over the period and usually would differ in amount and possibly even direction from the Fund's multiple times the return of the Fund's benchmark for the same period.

[25] For purposes of the filing, the Exchange states that the Funds include the Fund and the –1x Short VIX Futures ETF as proposed in SR–CboeBZX–2020–070, but may in the future include additional VIX ETPs sponsored by the Sponsor or its affiliates. *See* Securities Exchange Act Release No. 89901 (September 17, 2020), 85 FR 59843 (September 23, 2020).

[26] In the event that the Funds expect to hit the ten percent threshold during the primary Rebalance Period from 3:45 p.m. to 4:00 p.m. E.T., the Funds will extend their respective rebalances into additional Rebalance Periods and the TAS market. It is expected that this extension will provide the Funds with the flexibility to: begin rebalancing in an earlier period, end rebalancing in a later period, and execute contracts in TAS (each an ''Extended Rebalance Period'' and collectively the ''Extended Rebalance Period'') while remaining below the ten percent cap during any fifteen minute period of continuous market trading. The Funds will be allocated executions based on their percentage of notional transaction volume required.

[27] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[28] 15 U.S.C. 78f(b)(5).

[29] *See* OIP, *supra* note 7, 85 FR at 64565.

Following the OIP, the Exchange amended its proposal to state that the Sponsor will seek to minimize the market impact of rebalances across all Funds on the price of VIX Futures Contracts by limiting the Funds' participation, on any given day, in VIX Futures Contracts to no more than ten percent of the VIX Futures Contracts traded on CFE during any Rebalance Period.[30]

In support of its amended proposal, the Exchange states that the Sponsor's proposed methodology for the Funds seeks to reduce the dependence of VIX ETPs on TAS by seeking to execute part of the Funds' daily rebalance outside of TAS and believes that this approach will spread VIX futures trading activity over a longer period of time each day and should help to reduce market impact during periods of market turmoil or disruption.[31] In addition, the Exchange states that the Sponsor expects that allowing the Funds to participate in an Extended Rebalance Period will minimize the impact of the Funds' rebalance on the price of VIX Futures Contracts, and particularly minimize any impact of large rebalances during periods of market illiquidity.[32] The Exchange states that defining an explicit rebalancing methodology and limiting the Funds' participation in the VIX Futures Contracts should reduce the impact of the Fund's rebalancing on the price of VIX Futures Contracts.[33] The Exchange further represents that in the event that the Fund participates in an Extended Rebalance Period, the Fund will notify the Exchange and the Commission of such participation as soon as practicable, but no later than 9:00 a.m. E.T. on the trading day following the event.[34]

In addition, the Exchange states that the Index's use of a weighted average price of VIX Futures Contracts to measure its daily performance, as described above, is expected to shift part of the present dependence of VIX ETPs on the TAS market, and reduce the potential impact of very short-term mispricing or manipulation on the daily price of the Funds.[35] The Exchange states that the weighted average price reference will also offer the Sponsor a larger window of time to rebalance the Fund, and the option to expand the Rebalance Period to limit market impact.[36]

The Commission believes that the Exchange's proposal regarding the rebalancing methodology of the Fund is reasonably designed to help mitigate the potential market impact of the Fund's daily rebalance demand during periods when there are large percentage increases in volatility.[37] The Fund's proposed rebalancing process, including the Sponsor's commitment to cap participation in the VIX Futures Contracts market during any Rebalance Period to no more than 10% for all Funds, should help to temper the impact of the Funds' rebalances on the price of VIX Futures Contracts, particularly during periods of market volatility or illiquidity. The Commission believes the 10% participation cap strikes an appropriate balance between allowing the Funds to rebalance within a reasonably short period of time and managing the potential market impact of a large rebalance. Therefore, the Commission believes the Exchange's proposal is adequately designed to address the market impact concern articulated in the OIP. The Commission finds that the proposal is consistent with Section 6(b)(5) of the Act, including the protection of investors and the public interest.

B. Other Considerations

A commenter opposes the proposal, predicting that a long position in the Shares will lose money during long bull markets.[38] The commenter presents annual returns for an exchange-traded note with a similar leverage ratio, and asserts that it is ''almost impossible to make money long side, even for short-term.'' [39] The commenter also states that a 2x long product like the Fund does not ''make sense as a product'' because of the volatility of volatility and that the Commission should instead approve an inverse leveraged ETP.[40] The Commission is not persuaded by the commenter's contentions and continues to believe that the Exchange has demonstrated, as explained elsewhere in this order, that the proposal is consistent with Section 6(b)(5) of the Act. In particular, the Commission does not believe that an assessment of whether another exchange-traded product was a profitable investment is relevant to a decision of whether the proposal to list and trade the Shares is consistent with the Act. The Commission believes that the Exchange's proposal adequately addresses the commenter's concerns, including those relating to investor understanding or suitability. As described below,[41] the Exchange states, that, prior to the commencement of trading, it will issue an Information Circular detailing the special characteristics and risks associated with trading the Shares, which will also, among other things, detail the Exchange's rules regarding suitability obligations and the duty of due diligence for Members [42] recommending transactions in the Shares to customers.

The Commission believes that the proposal is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading in the Shares when a reasonable degree of certain pricing transparency cannot be assured and, as such, finds that the proposal is designed to prevent fraudulent and manipulative acts and practices and protect investors and the public interest. Specifically, the Exchange will obtain a representation from the Sponsor of the Shares that the NAV will be calculated daily and that the NAV and the Fund's holdings will be made available to all market participants at the same time. On each Business Day,[43] before commencement of trading in Shares during Regular Trading Hours,[44] the Fund will disclose on its website the holdings that will form the basis for the Fund's calculation of NAV at the end of the Business Day. This website disclosure of the portfolio composition of the Fund will occur at the same time as the disclosure by the Fund of the portfolio composition to

[30] *See* Amendment No. 2, *supra* note 9, at 11. In its original proposal, the Exchange did not include a participation limitation.

[31] *See id.* at 12–13.

[32] *See id.* at 13.

[33] *Id.*

[34] *See* Amendment No. 4, *supra* note 10.

[35] *See* Amendment No. 2, *supra* note 9, at 12.

[36] *See id.*

[37] The Commission's findings in this order are based on the specific proposed rule change filed with the Commission, including how the proposed rule operates under the current market conditions discussed in this order. The Commission recognizes that, over time, market conditions in VIX ETP markets, and the related VIX futures market, may change.

[38] *See* letter from John Motson dated July 10, 2020.

[39] *See id.*

[40] *See id.*

[41] *See infra* note 46 and accompanying text. In addition, as discussed below, the Exchange also states the Financial Industry Regulatory Authority (''FINRA'') has implemented increased sales practice and customer margin requirements for FINRA members applicable to inverse, leveraged and inverse leveraged securities (which include the Shares).

[42] As defined in BZX Rule 1.5(n), the term ''Member'' means any registered broker or dealer that has been admitted to membership in the Exchange.

[43] A ''Business Day'' means any day other than a day when any of BZX, Cboe, CFE or other exchange material to the valuation or operation of the Fund, or the calculation of the VIX, options contracts underlying the VIX, VIX Futures Contracts or the Index is closed for regular trading.

[44] As defined in BZX Rule 1.5(w), the term ''Regular Trading Hours'' means the time between 9:30 a.m. and 4:00 p.m. E.T.

authorized participants, so that all market participants will be provided portfolio composition information at the same time, and the same portfolio information will be provided on the public website as in electronic files provided to authorized participants. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the Consolidated Tape Association. As required by BZX Rule 14.11(f)(4), an updated Intraday Indicative Value (''IIV'') will be calculated and widely disseminated by one or more major market data vendors every 15 seconds throughout Regular Trading Hours. The IIV will be published on the Exchange's website and will be available through on-line information services such as Bloomberg and Reuters. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The Fund's website will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. In addition, the level of the Index will be published at least every 15 seconds in real time from 9:30 a.m. to 4:00 p.m. E.T. and at the close of trading on each Business Day by Bloomberg and Reuters.

Quotation and last-sale information regarding VIX Futures Contracts and VIX Options Contracts will be available from the exchanges on which such instruments are traded. Quotation and last-sale information relating to VIX Options Contracts will also be available via the Options Price Reporting Authority. Quotation and last-sale information for VIX Swap Agreements will be available from nationally recognized data services providers, such as Reuters and Bloomberg, through subscription agreements or from a broker-dealer who makes markets in such instruments. Pricing information regarding Cash Equivalents in which the Fund may invest is generally available through nationally recognized data services providers, such as Reuters and Bloomberg, through subscription agreements. The closing prices and settlement prices of the Index Components (*i.e.,* the first- and second-month VIX Futures Contracts) will be readily available from the websites of CFE (*http://www.cfe.cboe.com*), automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters. The CFE also provides delayed futures information on current and past trading sessions and market news free of charge on its website. Complete real-time data for component VIX Futures Contracts underlying the Index, including the specific contract specifications of Index Components (*i.e.,* first-month and second-month VIX Futures Contracts), is available by subscription from Reuters and Bloomberg.

The Commission believes that the Exchange's rules regarding trading halts further help to ensure the maintenance of fair and orderly markets for the Shares, which is consistent with the protection of investors and the public interest. Trading in the Shares may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments composing the daily disclosed portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, the Exchange will halt trading in the Shares under the conditions specified in BZX Rule 11.18 (Trading Halts Due to Extraordinary Market Volatility). BZX Rule 14.11(f)(4)(c)(ii) enumerates additional circumstances under which the Exchange will consider the suspension of trading in and will commence delisting proceedings for the Shares.

The Commission finds that the Exchange's proposal regarding safeguarding material non-public information relating to the Fund's portfolio is designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest. Specifically, the Exchange states that the Sponsor is not a broker-dealer or affiliated with a broker-dealer. In the event that (a) the Sponsor becomes a broker-dealer or newly affiliated with a broker-dealer, or (b) any new sponsor is a broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition of and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the portfolio. Moreover, trading of the Shares will be subject to BZX Rule 14.11(f)(4)(D), which sets forth certain restrictions on Members acting as registered Market Makers [45] in Trust Issued Receipts to facilitate surveillance. In addition, the Exchange has a general policy prohibiting the distribution of material, non-public information by its employees.

Furthermore, the Commission finds that the Exchange's proposal regarding surveillance of the Shares and the underlying investments is designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate and may obtain information regarding trading in the Shares and the underlying listed instruments, including listed derivatives held by the Fund, with the Intermarket Surveillance Group (''ISG''), other markets or entities who are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement. The Exchange states that trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, and these procedures are adequate to properly monitor Exchange trading of the Shares during all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. In addition, all of the VIX Futures Contracts and VIX Options Contracts held by the Fund will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

The Commission finds that the Exchange's rules relating to trading of the Shares on the Exchange are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the Exchange states that:

(1) The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities;

(2) The Shares will conform to the initial and continued listing criteria under BZX Rule 14.11(f);

(3) Pursuant to BZX Rule 14.11(a), all statements and representations made in the filing regarding the Index composition, description of the portfolio or reference

[45] As defined in BZX Rule 1.5(l), the term ''Market Maker'' means a Member that acts as a Market Maker pursuant to Chapter XI of the BZX Rules.

assets, limitations on portfolio holdings or reference assets, dissemination and availability of the Index, reference assets, and IIV, or the applicability of Exchange listing rules specified in the filing shall constitute continued listing requirements for the Shares. The issuer will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If the Fund or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.

(4) The Exchange has the appropriate rules to facilitate transactions in the Shares during all trading sessions;

(5) Prior to the commencement of trading, the Exchange will inform its Members in an Information Circular of the special characteristics and risks associated with trading the Shares; [46]

(6) FINRA has implemented increased sales practice and customer margin requirements for FINRA members applicable to inverse, leveraged and inverse leveraged securities (which include the Shares) and options on such securities, as described in FINRA Regulatory Notices 09–31 (June 2009), 09–53 (August 2009), and 09–65 (November 2009). Members that carry customer accounts will be required to follow the FINRA guidance set forth in these notices;

(7) For initial and continued listing, the Fund and the Trust must be in compliance with Rule 10A–3 under the Act; [47] and

(8) A minimum of 100,000 Shares of the Fund will be outstanding at the commencement of trading on the Exchange.

Accordingly, the Commission finds that the proposed rule change, as modified by Amendment Nos. 2 and 4, is consistent with Section 6(b)(5) of the Act [48] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Solicitation of Comments on Amendment Nos. 2 and 4 to the Proposed Rule Change

Interested persons are invited to submit written views, data, and arguments concerning whether Amendment Nos. 2 and 4 are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2020–053 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–2020–053. 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–2020–053 and should be submitted on or before April 1, 2021.

V. Accelerated Approval of the Proposed Rule Change, as Modified by Amendment Nos. 2 and 4

The Commission finds good cause to approve the proposed rule change, as modified by Amendment Nos. 2 and 4, prior to the thirtieth day after the date of publication of notice of the filing of Amendment Nos. 2 and 4 in the **Federal Register**. In Amendment No. 2, among other things,[49] the Exchange represents that the Funds' participation, on any given day, in VIX Futures Contracts, will be limited to no more than ten percent of the VIX Futures Contracts traded on CFE during any Rebalance Period, and in the event that the Funds expect to hit the ten percent threshold during the primary Rebalance Period, the Funds would extend their respective rebalances into an Extended Rebalance Period. In Amendment No. 4, the Exchange represents that the Fund will notify both the Exchange and the Commission in the event that the Fund participates in an Extended Rebalance Period as soon as practicable, but no later than 9:00 a.m. E.T. on the trading day following the event. The changes to the proposal and additional information in Amendment Nos. 2 and 4 assist the Commission in evaluating the Exchange's proposal and in determining that it is consistent with the Act. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[50] to approve the proposed rule change, as modified by Amendment Nos. 2 and 4, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[51] that the proposed rule change (SR–CboeBZX–2020–053), as modified by Amendment Nos. 2 and 4, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[52]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05028 Filed 3–10–21; 8:45 am]

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[46] The Exchange states that the Information Circular will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (b) BZX Rule 3.7, which imposes suitability obligations on Members with respect to recommending transactions in the Shares to customers; (c) Interpretation and Policy .01 of BZX Rule 3.7 which imposes a duty of due diligence on its Members to learn the essential facts relating to every customer prior to trading the Shares, and specifically provides that ''[n]o Member shall recommend to a customer a transaction in any such product unless the Member has a reasonable basis for believing at the time of making the recommendation that the customer has such knowledge and experience in financial matters that he may reasonably be expected to be capable of evaluating the risks of the recommended transaction and is financially able to bear the risks of the recommended position;'' (d) how information regarding the IIV and the Fund's holdings is disseminated; (e) the risks involved in trading the Shares during the Pre-Opening and After Hours Trading Sessions (as such terms are defined in BZX Rules) when an updated IIV will not be calculated or publicly disseminated; (f) the requirement that Members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (g) trading information.

[47] 17 CFR 240.10A–3.

[48] 15 U.S.C. 78f(b)(5).

[49] *See supra* note 9.

[50] 15 U.S.C. 78s(b)(2).

[51] *Id.*

[52] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91273; File No. SR–CboeBYX–2021–006]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.13 (Order Execution and Routing), as Well as its Fee Schedule, To Delete References to the INET and RDOX Routing Options

March 5, 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 March 1, 2021, Cboe BYX Exchange, Inc. (''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') proposes to amend Rule 11.13 (Order Execution and Routing), as well as its Fee Schedule, to delete references to the INET and RDOX routing options. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend paragraphs (H), (J), and (L) under Exchange Rule 11.13(b)(3) to delete all references to the INET and RDOX routing options. The Exchange also proposes to delete all references to the INET and RDOX routing options from the BYX Fee Schedule, as provided [sic] fee codes J and D, respectively, and footnote 10. The Exchange intends to implement the proposed rule changes on March 1, 2021.

Exchange Rule 11.13(b)(3) provides for various routing options available on the Exchange. Specifically, Rule 11.13(b)(3)(J) provides for the INET routing option, under which an order checks the System [5] for available shares and then is sent to Nasdaq. If shares remain unexecuted after routing, they are posted on the Nasdaq book, unless otherwise instructed by the User.[6] Similarly, Exchange Rule 11.13(b)(3)(L) provides for the RDOX routing option, [sic] which an order checks the System for available shares and then is sent to the NYSE and can be re-routed by the NYSE. If shares remain unexecuted after routing, they are posted on the NYSE book, unless otherwise instructed by the User.

The Exchange has determined because few Users select the INET or RDOX routing options, the current demand does not warrant the infrastructure and ongoing maintenance expenses required to support the product. Therefore, the Exchange now proposes to delete INET and RDOX as a routing option as provided by Rule 11.13(b)(3)(J) and (L), respectively.

Given the proposed changes described above, the Exchange also proposes to amend Rule 11.13(b)(3)(H) to eliminate any reference to the INET and RDOX routing strategies. Specifically, Rule 11.13(b)(3)(H) provides for the Post to Away routing option, which routes the remainder of a routed order to and posts such order on the order book of a destination on the System routing table [7] as specified by the User, and lists the specific routing options for which the Post to Away routing option may be combined. Both INET and RDOX are listed under Rule 11.13(b)(3)(H) as routing options that may be combined with the Post to Away routing option; therefore, the Exchange is proposing to eliminating [sic] all such references to INET and RDOX in Rule 11.13(b)(3)(H).

As the Exchange is proposing to eliminate the INET and RDOX routing options from the BYX Rulebook, the Exchange also proposes to eliminate any such reference to those routing options on the BYX Fee Schedule. Specifically, the Exchange proposes to eliminate RDOX from the description of Fee Code D,[8] and eliminate INET from the description of Fee Code J.[9] Additionally, the Exchange proposes to delete references to both RDOX and INET in footnote 10 of the Fee Schedule.[10]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The term ''System'' shall mean the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away. *See* Exchange Rule 1.5(aa).

[6] The term ''User'' shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3. *See* Exchange Rule 1.5(cc).

[7] The Exchange reserves the right to maintain a different System routing table for different routing options and to modify the System routing table at any time without notice. *See* Exchange Rule 11.13(b)(3).

[8] Orders that yield fee code D are routed to NYSE using Destination Specific, RDOT or RDOX routing strategy, and are charged a fee of $0.00280.

[9] Orders that yield fee code J are routed to Nasdaq using Destination Specific or INET routing strategy, and are charged a fee of $0.00290.

[10] Footnote 10 of the Fee Schedule provides that executions that add liquidity in securities priced below $1.00 with an RDOT, RDOX, INET, and Post to Away routing option are charged no fee and given no rebate.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

the Section 6(b)(5) [13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change to remove references to the RDOX and INET routing options will remove impediments to the mechanism of a free and open market, thereby protecting investors and the public interest. As stated, the Exchange has noted that few Users elect the RDOX and INET routing options and has determined that the current demand does not warrant the infrastructure and ongoing maintenance expense required to support these products. Therefore, the Exchange is discontinuing these routing options. The Exchange notes that routing through the Exchange is voluntary and alternative routing options offered by the Exchange as well as other methods remain available to Users that wish to route to other trading centers. In addition, neither the RDOX nor the INET routing options are core product offerings by the Exchange, nor is the Exchange required by the Act to offer such products. By removing references to routing options that will no longer be offered by the Exchange, the Exchange believes the proposed rule change will remove impediments to the mechanism of a free and open market and protect investors by providing investors with rules that accurately reflect routing options currently available on the Exchange. The Exchange does not believe that this proposal will permit unfair discrimination among customers, brokers, or dealers because the RDOX and INET routing options will no longer be available to all Users.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change to remove RDOX and INET is not designed to address any competitive issues but rather to delete the RDOX and INET routing options that are rarely used on the Exchange. As stated, the Exchange has noted that few Users elect the RDOX and INET routing options and has determined that the current demand does not warrant the infrastructure and ongoing maintenance expense required to support these products. Therefore, the Exchange is discontinuing these routing options. The Exchange notes that routing through the Exchange is voluntary and alternative routing options offered by the Exchange as well as other methods remain available to Users that wish to route to other trading centers. In addition, neither the RDOX nor the INET routing options are core product offerings by the Exchange, nor is the Exchange required by the Act to offer such products.

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 Rule 19b–4(f)(6) [15] thereunder because the proposal does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms, become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.[16]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [17] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [18] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay would immediately eliminate rules and references that account for services the Exchange planned to discontinue on March 1, 2021, thereby avoiding potential investor confusion during the operative delay period. Based on the foregoing, the Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[19]

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.[20]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CboeBYX–2021–006 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBYX–2021–006. 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

[13] *Id.*

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

[16] In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78s(b)(3)(C).

business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBYX–2021–006 and should be submitted on or before April 1, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05033 Filed 3–10–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91266; File No. SR–NYSEArca–2020–104]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Approving a Proposed Rule Change, as Modified by Amendment No. 2, To List and Trade Shares of the Stance Equity ESG Large Cap Core ETF Under NYSE Arca Rule 8.601–E

March 5, 2021.

I. Introduction

On November 30, 2020, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of Stance Equity ESG Large Cap Core ETF (''Fund'') under NYSE Arca Rule 8.601–E (Active Proxy Portfolio Shares). The proposed rule change was published for comment in the **Federal Register** on December 21, 2020.[3]

On January 22, 2021, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On January 22, 2021, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change as originally filed.[6] On March 4, 2021, the Exchange filed Amendment No. 2 to the proposed rule change, which replaced and superseded the proposed rule change, as modified by Amendment No. 1.[7] The Commission has received no comments on the proposed rule change. This order approves the proposed rule change, as modified by Amendment No. 2.

II. Summary of the Exchange's Description of the Proposed Rule Change, as Modified by Amendment No. 2[8]

NYSE Arca Rule 8.900–E(b)(1) requires the Exchange to file separate proposals under Section 19(b) of the Act before listing and trading any series of Active Proxy Portfolio Shares on the Exchange; thus, the Exchange submitted this proposal to list and trade the Shares.[9] The Shares of the Fund will be issued by The RBB Fund, Inc. (''Issuer''), a corporation organized under the laws of the State of Maryland and registered with the Commission as an open-end management investment company.[10] Red Gate Advisers, LLC (''Adviser'') will be the investment adviser to the Fund. Stance Capital, LLC and Vident Investment Advisory, LLC will be the sub-advisers (''Sub-Advisers'') for the Fund. U.S. Bank, N.A. will serve as the Fund's custodian, U.S. Bancorp Fund Services, LLC will serve as the Fund's transfer agent, and Vigilant Distributors, LLC will act as the distributor and principal underwriter for the Fund.

[21] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90665 (Dec. 15, 2020), 85 FR 83129.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 90974, 86 FR 7446 (Jan. 28, 2021). The Commission designated March 21, 2021, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] Amendment No. 1 is available on the Commission's website at *https://www.sec.gov/comments/sr-nysearca-2020-104/srnysearca2020104-8276588-228099.pdf.*

[7] In Amendment No. 2, the Exchange: (1) Updated the status of the application for exemptive relief filed by the Issuer (as defined below); (2) changed the distributor and principal underwriter of the Fund; (3) stated that, in connection with the creation and redemption of Active Proxy Portfolio Shares, such creation or redemption may be exchanged for a Proxy Portfolio (as defined below) and/or cash; (4) represented that the Proxy Portfolio will not include any asset that is ineligible to be in the Actual Portfolio (as defined below) of the Fund; (5) stated that the Fund's holdings will conform to the permissible investments as set forth in the Exemptive Order (as defined below) and that the holdings will be consistent with all requirements in the Exemptive Order; (6) supplemented its description of the Fund's investment objective; (7) revised the description of the availability of pricing information; (8) described that a creation unit will generally consist of 5,000 shares; (9) supplemented its description of the disclosures about the Proxy Portfolio that the Fund will publish on its website each business day; (10) stated that the Exchange will obtain a representation from the Issuer that the net asset value per Share of the Fund will be calculated daily and that the net asset value, Portfolio Reference Basket (as defined below), and the Actual Portfolio (as defined below) for the Fund will be made available to all market participants at the same time; and (11) made conforming and technical changes. Because Amendment No. 2 does not materially alter the substance of the proposed rule change, Amendment No. 2 is not subject to notice and comment. Amendment No. 2 is available on the Commission's website at *https://www.sec.gov/comments/sr-nysearca-2020-104/srnysearca2020104.htm.*

[8] Additional information regarding the Fund, the Issuer (as defined below), and the Shares can be found in Amendment No. 2, *supra* note 7, and Registration Statement, *supra* note 9.

[9] As defined in Rule 8.601–E(c)(1), the term ''Active Proxy Portfolio Share'' means a security that (a) is issued by an investment company (''Investment Company'') registered under the Investment Company Act of 1940 (''1940 Act'') organized as an open-end management investment company that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies; (b) is issued in a specified minimum number of shares, or multiples thereof, in return for a deposit by the purchaser of the Proxy Portfolio and/or cash with a value equal to the next determined net asset value (''NAV''); (c) when aggregated in the same specified minimum number of Active Proxy Portfolio Shares, or multiples thereof, may be redeemed at a holder's request in return for the Proxy Portfolio and/or cash to the holder by the issuer with a value equal to the next determined NAV; and (d) the portfolio holdings for which are disclosed within at least 60 days following the end of every fiscal quarter. Rule 8.601–E(c)(2) provides that the term ''Actual Portfolio'' means the identities and quantities of the securities and other assets held by the Investment Company that shall form the basis for the Investment Company's calculation of NAV at the end of the business day.'' Rule 8.601–E(c)(3) provides that the term ''Proxy Portfolio'' means a specified portfolio of securities, other financial instruments and/or cash designed to track closely the daily performance of the Actual Portfolio of a series of Active Proxy Portfolio Shares as provided in the exemptive relief pursuant to the Investment Company Act of 1940 applicable to such series.

[10] The Issuer is registered under the 1940 Act. On November 23, 2020, the Issuer filed a registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a), and under the 1940 Act relating to the Fund (File Nos. 033–20827 and 811–05518) (''Registration Statement''). The Issuer filed an Application for an Order under Section 6(c) of the 1940 Act for exemptions from various provisions of the 1940 Act and rules thereunder (File No. 812–15165), dated September 28, 2020 (''Application''). The Issuer filed an amended Application on December 10, 2020, and a second amended Application on January 15, 2021. On February 26, 2021, the Commission issued an order (''Exemptive Order'') under the 1940 Act granting the exemptions requested in the Application (Investment Company Act Release No. 34215, February 26, 2021). The Exchange states that investments made by the Fund will comply with the conditions set forth in the Application and the Exemptive Order. According to the Exchange, the description of the operation of the Fund in the proposal is based, in part, on the Registration Statement and the Application.

A. Description of the Fund

The Exchange states that the Fund's holdings will conform to the permissible investments as set forth in the Application and Exemptive Order, and the holdings will be consistent with all requirements in the Application and Exemptive Order.[11]

According to the Exchange, the Fund's investment objective is to seek long-term capital appreciation. The Exchange states that the Fund will invest, under normal circumstances, at least 80% of the value of its net assets (plus the amount of any borrowings for investment purposes) in exchange-traded equity securities of U.S. large capitalization issuers that meet environmental, social, and governance standards, as determined by Stance Capital, LLC.

B. Investment Restrictions

The Exchange states that the Shares of the Fund will conform to the initial and continued listing criteria under Rule 8.601–E. The Fund's holdings will be consistent with all requirements in the Application and Exemptive Order. According to the Exchange, the Fund's investments, including derivatives, will be consistent with its investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage). That is, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*e.g.,* 2X or −3X) of the Fund's primary broad-based securities benchmark index (as defined in Form N–1A).[12]

[11] Pursuant to the Application and Exemptive Order, the permissible investments for the Fund include only the following instruments: ETFs traded on a U.S. exchange, exchange-traded notes (''ETNs'') traded on a U.S. exchange, U.S. exchange-traded common stocks, U.S. exchange-traded preferred stocks, U.S. exchange-traded American Depositary Receipts (''ADRs''), U.S. exchange-traded real estate investment trusts, U.S. exchange-traded commodity pools, U.S. exchange-traded metals trusts, U.S. exchange-traded currency trusts, and U.S. exchange-traded futures; common stocks listed on a foreign exchange that trade on such exchange contemporaneously with the Fund's Shares; exchange-traded futures that are traded on a U.S. futures exchange contemporaneously with the Fund's Shares; and cash and cash equivalents (which are short-term U.S. Treasury securities, government money market funds, and repurchase agreements). According to the Exchange, the Fund will not borrow for investment purposes, hold short positions, or purchase any securities that are illiquid investments at the time of purchase.

[12] The Fund's broad-based securities benchmark index will be identified in a future amendment to its Registration Statement following the Fund's first full calendar year of performance.

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with the Act and rules and regulations thereunder applicable to a national securities exchange.[13] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with Section 6(b)(5) of the Act,[14] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission believes that the proposal is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading in the Shares when a reasonable degree of certain pricing transparency cannot be assured. As such, the Commission believes the proposal is reasonably designed to maintain a fair and orderly market for trading the Shares. The Commission also finds that the proposal is consistent with Section 11A(a)(1)(C)(iii) of the Act, which sets forth Congress's finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities.

Specifically, the Commission notes that the Exchange, prior to commencement of trading in the Shares, will obtain a representation from the Issuer that the NAV per Share will be calculated daily and that the NAV, Portfolio Reference Basket,[15] and Actual Portfolio for the Fund will be made available to all market participants at the same time.[16] Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The Exchange states that quotation and last sale information for the Shares and U.S. exchange-traded instruments (excluding futures contracts) will be available via the Consolidated Tape Association (''CTA'') high-speed line, from the exchanges on which such securities trade, or through major market data vendors or subscription services. Intraday pricing information for all exchange-traded instruments, which includes all eligible instruments except cash and cash equivalents, will be available on the exchanges on which they trade or through major market data vendors or subscription services. Intraday pricing information for cash equivalents is available through major market data vendors, subscription services, and/or pricing services. The Fund's website will include additional information updated on a daily basis, including, on a per Share basis for the Fund, the prior business day's NAV, the closing price or bid/ask price at the time of calculation of such NAV, and a calculation of the premium or discount of the closing price or bid/ask price against such NAV. The website will also disclose the Guardrail Amount,[17] which is the maximum deviation between the weightings of the specific securities in the Portfolio Reference Basket and the weightings of those specific securities in the Actual Portfolio, and any other information regarding premiums and discounts and the bid/ask spread for the Fund as may be required for other ETFs under Rule 6c–11 under the 1940 Act. The identity and quantity of investments in the Portfolio Reference Basket will be publicly available on the Fund's website before the commencement of trading in Shares on each Business Day and the Fund's website will disclose the information required under Rule 8.601–E(c)(3).[18] The website and information will be publicly available at no charge.

The Commission also notes that the Exchange's rules regarding trading halts help to ensure the maintenance of fair and orderly markets for the Shares. Specifically, pursuant to its rules, the Exchange may consider all relevant factors in exercising its discretion to halt trading in the Shares and will halt trading in the Shares under the conditions specified in NYSE Arca Rule

[13] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78f(b)(5).

[15] The Exchange states that the ''Portfolio Reference Basket'' is the Proxy Portfolio for purposes of Rule 8.601–E(c)(3). *See* Amendment No. 2, *supra* note 7, at n. 9.

[16] *See* NYSE Arca Rule 8.601–E(d)(1)(B).

[17] *See* Amendment No. 2, *supra* note 7, at 9.

[18] *See* Rule 8.601–E(c)(3), which requires that the website for each series of Active Proxy Portfolio Shares shall disclose the information regarding the Proxy Portfolio as provided in the exemptive relief pursuant to the 1940 Act applicable to such series, including the following, to the extent applicable: (i) Ticker symbol; (ii) CUSIP or other identifier; (iii) description of holding; (iv) quantity of each security or other asset held; and (v) percentage weighting of the holding in the portfolio.

7.12–E. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, including (1) the extent to which trading is not occurring in the securities and/or the financial instruments composing the Proxy Portfolio and/or Actual Portfolio; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.[19] Trading in the Shares also will be subject to NYSE Arca Rule 8.601–E(d)(2)(D), which sets forth additional circumstances under which trading in the Shares will be halted.

The Commission also believes that the proposal is reasonably designed to help prevent fraudulent and manipulative acts and practices. Specifically, the Exchange provides that:

• The Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer and has implemented and will maintain a ''fire wall'' with respect to such broker-dealer affiliate regarding access to information concerning the composition of and/or changes to the Fund's Actual Portfolio and/or Proxy Portfolio. The Sub-Advisers are not registered as broker-dealers and are not affiliated with a broker-dealer;

• Any person related to the Adviser, Sub-Adviser(s), or the Fund who makes decisions pertaining to the Fund's Actual Portfolio or Proxy Portfolio or who has access to non-public information regarding the Fund's Actual Portfolio and/or the Proxy Portfolio or changes thereto are subject to procedures reasonably designed to prevent the use and dissemination of material non-public information regarding the Fund's Actual Portfolio and/or the Proxy Portfolio or changes thereto;

• In the event (a) the Adviser or Sub-Adviser(s) becomes registered as a broker-dealer or becomes newly affiliated with a broker-dealer or (b) any new adviser or sub-adviser is a registered broker-dealer, or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition of and/or changes to the Fund's Actual Portfolio and/or Proxy Portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's Actual Portfolio and/or Proxy Portfolio or changes thereto; and

• Any person or entity, including any service provider for the Fund, who has access to non-public information regarding the Fund's Actual Portfolio or the Proxy Portfolio or changes thereto will be subject to procedures reasonably designed to prevent the use and dissemination of material non-public information regarding the Fund's Actual Portfolio and/or the Proxy Portfolio or changes thereto, and if any such person or entity is registered as a broker-dealer or affiliated with a broker-dealer, such person or entity has erected and will maintain a ''fire wall'' between the person or entity and the broker-dealer with respect to access to information concerning the composition of and/or changes to the Fund's Actual Portfolio and/or Proxy Portfolio.

Finally, the Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Exchange, as well as cross-market surveillances administered by FINRA on behalf of the Exchange,[20] and that these surveillance procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities.

In support of this proposal, the Exchange represents also that: [21]

(1) The Shares will conform to the initial and continued listing criteria under NYSE Arca Rule 8.601–E.

(2) A minimum of 100,000 Shares for the Fund will be outstanding at the commencement of trading on the Exchange.

(3) The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed, and may obtain information, regarding trading in the Shares and underlying exchange-traded instruments with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''). In addition, the Exchange may obtain information regarding trading in the Shares and exchange-traded instruments from markets and other entities with which the Exchange has in place a comprehensive surveillance sharing agreement. Any foreign common stocks held by the Fund will be traded on an exchange that is a member of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

(4) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(5) For initial and continued listing, the Fund will be in compliance with Rule 10A–3 under the Act.[22]

(6) The Fund's holdings will conform to the permissible investments as set forth in the Application and Exemptive Order and the holdings will be consistent with all requirements set forth in the Application and Exemptive Order. The Fund's investments, including derivatives, will be consistent with its investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage). The Fund's investments will include common stocks listed on a foreign exchange that trade on such exchange contemporaneously with the Shares and exchange-traded futures that are traded on a U.S. futures exchange contemporaneously with the Shares.

(7) With respect to Active Proxy Portfolio Shares, all of the Exchange member obligations relating to product description and prospectus delivery requirements will continue to apply in accordance with Exchange rules and federal securities laws, and the Exchange and FINRA will continue to monitor Exchange members for compliance with such requirements.

The Exchange also represents that all statements and representations made in the filing regarding: (1) The description of the portfolios or reference assets; (2) limitations on portfolio holdings or reference assets; or (3) the applicability of Exchange listing rules specified in the filing constitute continued listing requirements for listing the Shares on the Exchange. In addition, the Exchange represents that the Exchange will obtain a representation from the Adviser, prior to commencement of trading in the Shares, that the Adviser will advise the Exchange of any failure by the Fund to comply with the continued listing requirements and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor [23] for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will

[19] *See* NYSE Arca Rule 8.601–E(d)(2)(D)(i).

[20] *See* NYSE Arca Rule 8.601–E, Commentary .03, which requires, as part of the surveillance procedures for Active Proxy Portfolio Shares, the Fund's investment adviser to, upon request by the Exchange or FINRA, on behalf of the Exchange, make available to the Exchange or FINRA the daily Actual Portfolio holdings of the Fund.

[21] *See* Amendment No. 2, *supra* note 7.

[22] *See* 17 CFR 240.10A–3.

[23] The Commission notes that certain proposals for the listing and trading of exchange-traded products include a representation that the exchange will ''surveil'' for compliance with the continued listing requirements. *See, e.g.,* Securities Exchange Act Release No. 77499 (April 1, 2016), 81 FR 20428, 20432 (April 7, 2016) (SR–BATS–2016–04). In the context of this representation, it is the Commission's view that ''monitor'' and ''surveil'' both mean ongoing oversight of compliance with the continued listing requirements. Therefore, the Commission does not view ''monitor'' as a more or less stringent obligation than ''surveil'' with respect to the continued listing requirements.

commence delisting procedures under NYSE Arca Rule 5.5–E(m).

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendments No. 2, is consistent with Section 6(b)(5) of the Act [24] and Section 11A(a)(1)(C)(iii) of the Act [25] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act [26] that the proposed rule change (SR–NYSEArca–2020–104), as modified by Amendment No. 2, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05029 Filed 3–10–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91271; File No. SR–CboeEDGA–2021–007]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.11 (Routing to Away Trading Centers), as Well as Its Fee Schedule, To Delete References to the INET and RDOX Routing Options and To Delete All References to the C–LNK Routing and Connectivity Option From Its Fee Schedule

March 5, 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 March 1, 2021, Cboe EDGA Exchange, Inc. (''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') proposes to amend Rules [sic] 11.11 (Routing to Away Trading Centers), as well as its Fee Schedule, to delete references to the INET and RDOX routing options. Additionally, the Exchange proposes to delete all references to the C–LNK routing and connectivity option from the Exchange's 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/edga/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend paragraphs (4) and (6) under Exchange Rule 11.11(g) and 11.11(a) to delete all references to the INET and RDOX routing options. The Exchange also proposes to delete all references to the INET routing option from the EDGA Fee Schedule, as provided in fee codes 2 and L. Additionally, the Exchange proposes to delete the C–LNK routing and connectivity option from the Fee Schedule. The Exchange intends to implement the proposed rule changes on March 1, 2021.

Exchange Rule 11.11(g) provides for various routing options available on the Exchange. Specifically, Rule 11.11(g)(4) provides for the INET routing option, under which an order checks the System [5] for available shares and then is sent to Nasdaq. If shares remain unexecuted after routing, they are posted on the Nasdaq book, unless otherwise instructed by the User.[6] Similarly, Exchange Rule 11.11(g)(6) provides for the RDOX routing option, under which an order checks the System for available shares and then is sent to the NYSE and can be re-routed by the NYSE. If shares remain unexecuted after routing, they are posted on the NYSE book, unless otherwise instructed by the User.

The Exchange has determined because few Users select the INET or RDOX routing options, the current demand does not warrant the infrastructure and ongoing maintenance expenses required to support the product. Therefore, the Exchange now proposes to delete INET and RDOX as a routing option as provided by Rule 11.11(g)(4) and (6), respectively.

Given the proposed changes described above, the Exchange also proposes to amend Rules 11.11(a) and 11.11(g)(14) to eliminate any reference to the INET and RDOX routing strategies. Specifically, Rule 11.11(a) provides that unless a User selects the Post to Away, RDOT, RDOX, or INET routing option, an order that includes a Short Sale instruction when a Short Sale Circuit Breaker pursuant to Rule 201 of Regulation SHO is in effect is not eligible for routing by the Exchange. Alternatively, Rule 11.11(g)(14) provides for the Post to Away routing option, which routes the remainder of a routed order to and posts such order on the order book of a destination on the System routing table [7] as specified by the User, and lists the specific routing options for which the Post to Away routing option may be combined. Both INET and RDOX are listed under Rule 11.11(g)(14) as routing options that may be combined with the Post to Away routing option. Based on the proposal to eliminate INET and RDOX from Exchange Rules, the Exchange is proposing to eliminating [sic] all such

[24] 15 U.S.C. 78f(b)(5).

[25] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[26] *Id.*

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The term ''System'' shall mean the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away. *See* Exchange Rule 1.5(cc).

[6] The term ''User'' shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3. *See* Exchange Rule 1.5(ee).

[7] The Exchange reserves the right to maintain a different System routing table for different routing options and to modify the System routing table at any time without notice. *See* Exchange Rule 11.11(g).

references to INET and RDOX in Rules 11.11(a) and 11.11(g)(14).

As the Exchange is proposing to eliminate the INET routing option from the EDGA Rulebook, the Exchange also proposes to eliminate any such reference to those routing options [sic] on the EDGA Fee Schedule. Specifically, the Exchange proposes to eliminate Fee Codes 2 [8] and L.[9]

Under Cboe Connect,[10] the Exchange offers C–LNK routing and connectivity which provides routing to single-dealer platforms through a connectivity option. Currently, the Exchange charges of a fee of $0.0002 for each share executed by a single-dealer platform for orders routed via Cboe Connect. The Exchange has determined because few Users utilize C–LNK, the current demand does not warrant the infrastructure and ongoing maintenance expenses required to support the product. Therefore, the Exchange now proposes to remove all references to C–LNK routing and connectivity from the Exchange's Fee Schedule.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change to remove references to the RDOX and INET routing options and the C–LNK routing and connectivity option will remove impediments to the mechanism of a free and open market, thereby protecting investors and the public interest. As stated, the Exchange has noted that few Users elect the RDOX and INET routing options or the C–LNK routing and connectivity option and has determined that the current demand does not warrant the infrastructure and ongoing maintenance expense required to support these products. Therefore, the Exchange is discontinuing these options. The Exchange notes that routing through the Exchange is voluntary and alternative routing options offered by the Exchange as well as other methods remain available to Users that wish to route to other trading centers. In addition, neither the RDOX or INET routing options nor the C–LNK routing and connectivity option are core product offerings by the Exchange, nor is the Exchange required by the Act to offer such products. By removing references to routing and connectivity options that will no longer be offered by the Exchange, the Exchange believes the proposed rule change will remove impediments to the mechanism of a free and open market and protect investors by providing investors with rules that accurately reflect routing options currently available on the Exchange. The Exchange does not believe that this proposal will permit unfair discrimination among customers, brokers, or dealers because the RDOX and INET routing options and the C–LNK routing and connectivity option will no longer be available to all Users.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change to remove RDOX, INET, and C–LNK is not designed to address any competitive issues but rather to delete the RDOX and INET routing options and C–LNK routing and connectivity option that are rarely used on the Exchange. As stated, the Exchange has noted that few Users elect the RDOX or INET routing options or the C–LNK routing and connectivity option and has determined that the current demand does not warrant the infrastructure and ongoing maintenance expense required to support these products. Therefore, the Exchange is discontinuing these routing options. The Exchange notes that routing through the Exchange is voluntary and alternative routing options offered by the Exchange as well as other methods remain available to Users that wish to route to other trading centers. In addition, neither INET, RDOX, nor C–LNK are core product offerings by the Exchange, nor is the Exchange required by the Act to offer such products.

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 Rule 19b–4(f)(6) [15] thereunder because the proposal does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms, become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.[16]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [17] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [18] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay would immediately eliminate rules and references that account for services the Exchange planned to discontinue on March 1, 2021, thereby avoiding potential investor confusion during the

[8] Orders that yield fee code 2 are routed to Nasdaq using the INET routing strategy (Tape B), and are charged a fee of $0.00300.

[9] Orders that yield fee code L are routed to Nasdaq using the INET routing strategy (Tape A or C), and are charged a fee of $0.00300.

[10] Cboe Connect is a communication service that provides Members an additional means to receive market data from and route orders to any destination connected to the Exchange's network. *See* Exchange Rule 13.9.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *Id.*

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

[16] In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

operative delay period. Based on the foregoing, the Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[19]

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.[20]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CboeEDGA–2021–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGA–2021–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGA–2021–007 and should be submitted on or before April 1, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05031 Filed 3–10–21; 8:45 am]

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[19] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78s(b)(3)(C).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91262; File No. SR–FINRA–2021–003]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Permit Firms To File a Form U4 Based on an Electronically Signed Copy of the Form

March 5, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act,'' ''Exchange Act,'' or ''SEA'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 23, 2021, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend FINRA Rule 1010 (Electronic Filing Requirements for Uniform Forms) to permit firms to file a Form U4 (Uniform Application for Securities Industry Registration or Transfer) based on an electronically signed copy of the form. In addition, FINRA proposes to make a conforming amendment to FINRA Rule 2263 (Arbitration Disclosure to Associated Persons Signing or Acknowledging Form U4).

Below is the text of the proposed rule change. Proposed new language is italicized; proposed deletions are in brackets.

* * * * *

1000. MEMBER APPLICATION AND ASSOCIATED PERSON REGISTRATION

1010. Electronic Filing Requirements for Uniform Forms

(a) through (b) No Change.

(c) Form U4 Filing Requirements.

(1) Except as provided in paragraphs (c)(2) and (c)(3) *of this Rule* [below], every initial and transfer electronic Form U4 filing and any amendments to the disclosure information on Form U4 shall be based on a [manually] signed Form U4 provided to the member or applicant for membership by the person on whose behalf the Form U4 is being filed. As part of the member's recordkeeping requirements, it shall retain the person's [manually] signed Form U4 or amendments to the disclosure information on Form U4 in accordance with SEA Rule 17a–4(e)(1) and make them available promptly upon regulatory request. An applicant for membership also shall retain in accordance with SEA Rule 17a–4(e)(1) every [manually] signed Form U4 it receives during the application process and make them available promptly upon regulatory request.

(2) A member may file electronically amendments to the disclosure information on Form U4 without obtaining the subject associated person's [manual] signature on the form, provided that the member shall use reasonable efforts to:

(A) Provide the associated person with a copy of the amended disclosure information prior to filing; and

(B) obtain the associated person's written acknowledgment (which may be electronic) prior to filing that the information has been received and reviewed. As part of the member's recordkeeping requirements, the member shall retain this acknowledgment in accordance with SEA Rule 17a–4(e)(1) and make it available promptly upon regulatory request.

(3) In the event a member is not able to obtain an associated person's [manual] signature or written acknowledgement of amended disclosure information on Form U4 prior to filing of such information pursuant

to paragraph (c)(1) or (2), the member is obligated to file the disclosure information as to which it has knowledge in accordance with Article V, Section 2 of the FINRA By-Laws. The member shall use reasonable efforts to provide the associated person with a copy of the amended disclosure information that was filed.

(4) No Change.

(d) through (e) No Change.

• • • Supplementary Material

.01 through .02 No Change.

.03 Filing of Amendments Involving Disclosure Information. In the event a member is not able to obtain an associated person's [manual] signature or written acknowledgement of amended disclosure information on that person's Form U4 prior to filing of such amendment reflecting the information pursuant to paragraph (c)(3) *of this Rule* (examples of reasons why a member may not be able to obtain the [manual] signature or written acknowledgement may include, but are not limited to, the associated person refuses to acknowledge such information, is on active military service or otherwise is unavailable during the period provided for filing of such amendments under Article V of the FINRA By-Laws), the member shall enter ''Representative Refused to Sign/Acknowledge'' or ''Representative Not Available'' or a substantially similar entry in the electronic Form U4 field for the associated person's signature.

.04 No Change.

* * * * *

2200. COMMUNICATIONS AND DISCLOSURES

* * * * *

2260. Disclosures

* * * * *

2263. Arbitration Disclosure to Associated Persons Signing or Acknowledging Form U4

A member shall provide an associated person with the following written statement whenever the associated person is asked, pursuant to FINRA Rule 1010, to [manually] sign an initial or amended Form U4, or otherwise provide written (which may be electronic) acknowledgment of an amendment to the Form U4:

The Form U4 contains a predispute arbitration clause. It is in item 5 of Section 15A of the Form U4. You should read that clause now. Before signing the Form U4, you should understand the following:

(1) through (8) No Change.

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II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA 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

Background

FINRA has been conducting an ongoing review of its rulebook to identify and amend rules to permit the use of electronic signatures. For instance, in 2019, FINRA amended Rule 4512 (Customer Account Information) to provide firms the option of obtaining the electronic signature of authorized associated persons who are exercising investment discretion.[4] Rule 1010 is the last remaining FINRA rule that expressly requires a manual signature.

Specifically, Rule 1010(c) (Form U4 Filing Requirements) currently requires that every initial and transfer Form U4 filed with FINRA by a member, or an applicant for membership, be based on a manually signed copy of the Form U4 provided to the member, or applicant for membership, by the individual on whose behalf the Form U4 is being filed.[5] The member, or applicant for membership, must obtain the manually signed copy of the Form U4 prior to filing the CRD Form U4 with FINRA.

For any amendments to the disclosure information on the CRD Form U4 filed with FINRA, Rule 1010(c) currently provides a member the option of filing the CRD Form U4 based on: (1) A manually signed copy of the amended Form U4 provided to the member prior to the filing by the associated person on whose behalf the amended Form U4 is being filed; or (2) a written acknowledgment (which may be electronic) from the associated person prior to the filing that the amended disclosure information was received and reviewed.[6] If the member cannot obtain either the manual signature or the written acknowledgment prior to the filing, the firm must still proceed with filing the amended disclosure information as to which it has knowledge and use reasonable efforts to provide the associated person with a copy of the amended disclosure information that was filed with FINRA.[7]

Neither the manually signed copy of the Form U4 nor the written acknowledgment is filed with FINRA, but rather is used for authentication and evidentiary purposes.[8] The manually signed copy and, if applicable, the written acknowledgment must be retained by the member, or applicant for membership, in accordance with SEC rules and made available promptly upon regulatory request.[9]

In addition, Rule 2263 currently requires a firm to provide each associated person with certain written disclosures regarding the nature and process of arbitration proceedings whenever the firm asks an associated person, pursuant to Rule 1010(c), to ''manually'' sign a Form U4, or to otherwise provide written acknowledgment of an amendment to the firm.

As noted above, FINRA has been amending its rules on an ongoing basis to permit the use of electronic signatures, and Rule 1010 is the last remaining rule that specifically requires a manual signature. In addition, the COVID–19 pandemic has amplified the need to permit the use of electronic signatures. In 2020, in response to the outbreak of the COVID–19 pandemic, FINRA began providing temporary relief to member firms from FINRA rules and requirements via frequently asked questions (''FAQs'') on its website.[10] One of these FAQs temporarily permits firms to file an initial or a transfer Form U4 with FINRA prior to obtaining the manual signature of the applicant.[11]

Proposed Rule Change

To facilitate the use of electronic signatures and to provide members, and applicants for membership, with an

[4] *See Regulatory Notice* 19–13 (April 2019).

[5] *See* Rule 1010(c)(1). Members, and applicants for membership, file initial, transfer and amended Form U4s electronically with FINRA through the Central Registration Depository (''CRD®'') system (the ''CRD Form U4'').

[6] *See* Rules 1010(c)(1) and (c)(2).

[7] *See* Rule 1010(c)(3). In such cases, the firm must enter ''Representative Refused to Sign/Acknowledge,'' ''Representative Not Available,'' or a substantially similar entry in the CRD Form U4 signature field for the associated person's signature. *See* Rule 1010.03 (Filing of Amendments Involving Disclosure Information).

[8] For the purposes of the CRD Form U4 filing, the member, or applicant for membership, must type the individual's name in the CRD Form U4 signature field to indicate that the individual has signed the form or acknowledged the information in the form.

[9] *See* Rules 1010(c)(1) and (c)(2). For record retention purposes, such records may be preserved on any of the acceptable media specified in SEA Rule 17a–4, including electronic storage media consistent with SEA Rule 17a–4(f). The records must be retained for at least three years after the associated person's employment and any other connection with the firm has terminated.

[10] *See* Frequently Asked Questions Related to Regulatory Relief Due to the Coronavirus Pandemic, available at *https://www.finra.org/rules-guidance/key-topics/covid-19/faq.*

[11] *See* Temporary Relief Relating to Rule 1010 (Electronic Filing Requirements for Uniform Forms) (added March 18, 2020), available at *https://www.finra.org/rules-guidance/key-topics/covid-19/faq#indiv.*

opportunity to better manage the operational challenges presented by the current pandemic, FINRA proposes to amend Rule 1010(c) to provide the option of filing an initial or a transfer CRD Form U4 with FINRA based on a manually or an electronically signed copy of the form provided to the member, or applicant for membership, by the individual on whose behalf the form is being filed.[12] With respect to any amendments to the disclosure information on the CRD Form U4 filed with FINRA, the proposed rule change provides a member the option of filing such amendments based on a manually or an electronically signed copy of the amended Form U4 provided to the member by the associated person on whose behalf the Form U4 is being filed.[13]

Firms that choose to rely on a copy of the Form U4 electronically signed by the associated person will be required to retain the copy in accordance with SEC rules and make it available promptly upon request.[14] The proposed rule change would not require the use of a particular type of technology to obtain a valid electronic signature from the associated person. For purposes of the proposed rule change, a valid electronic signature would be any electronic mark that clearly identifies the signatory and is otherwise in compliance with the Electronic Signatures in Global and National Commerce Act (''E-Sign Act''), the guidance issued by the SEC relating to the E-Sign Act, and the guidance provided by FINRA staff through interpretive letters.[15]

In conjunction with the proposed change to Rule 1010(c), FINRA proposes to make a conforming change to Rule 2263 to remove the reference to ''manual'' signature.

The proposed rule change is consistent with the SEC's recent amendments to Regulation S–T and the Electronic Data Gathering, Analysis, and Retrieval system (''EDGAR'') Filer Manual to permit the use of electronic signatures in signature authentication documents required under Regulation S–T in connection with electronic filings on EDGAR that are required to be signed.[16]

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing so that FINRA can implement the proposed rule change immediately.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[17] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The proposed rule change provides firms with the flexibility to rely on electronic signatures to satisfy the signature requirements of Rule 1010. Considering the technological advancements that provide for enhanced authentication and security of electronic signatures, FINRA believes that it is appropriate to amend Rule 1010 to provide such flexibility. The proposed rule change also addresses the on-going public health risks stemming from the outbreak of COVID–19 and the operational challenges facing firms. Significantly, FINRA understands that some firms are still unable to obtain the manual signature of applicants for registration resulting in a significant operational backlog. By immediately permitting these firms to rely on electronic signatures to satisfy the signature requirements of Rule 1010, the proposed rule change will reduce or eliminate this backlog.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Economic Impact Assessment

1. Regulatory Objective

Members, and applicants for membership, file initial, transfer and amended Form U4s electronically with FINRA through the CRD system. Rule 1010(c) currently requires that certain Form U4s filed through the CRD system be based on a manually signed copy of the form provided to a member, or an applicant for membership, by the individual (applicant for registration or associated person) on whose behalf the form is being filed. This requires that the individual on whose behalf the form is filed manually sign a printed hard copy of the completed form and return it to the member or applicant for membership. Upon receiving the manually signed copy of the form, the member, or applicant for membership, may proceed with filing the electronic version of the form through the CRD system. The manually signed copy of the Form U4 is not filed with FINRA. For purposes of the CRD filing, the member, or applicant for membership, types the individual's name in the signature field of the electronic form in the CRD system to indicate that the individual has signed the form. However, the member, or applicant for membership, must retain the manually signed copy for record retention purposes and make it available promptly upon regulatory request. The manually signed copy may be retained in hard copy form or on compliant electronic storage media. The signature requirement is for authentication and evidentiary purposes.

The COVID–19 outbreak has amplified the need for providing members, and applicants for membership, the flexibility to obtain the electronic signature of the individual on whose behalf the Form U4 is being filed. As noted above, the SEC recently amended its rules to provide similar relief.[18] Further, with enhanced authentication and security of electronic signatures created through technological development, FINRA believes that it is appropriate to amend Rule 1010(c) to provide such flexibility.

[12] *See* proposed Rule 1010(c)(1). FINRA is providing additional guidance on its website regarding the obligations of firms under Rule 1010(c) during the ongoing COVID–19 pandemic. *See* Frequently Asked Questions Related to Regulatory Relief Due to the Coronavirus Pandemic, available at *https://www.finra.org/rules-guidance/key-topics/covid-19/faq.*

[13] *See* proposed Rule 1010(c)(1). For any amendments to the disclosure information on the CRD Form U4 filed with FINRA, the member would not be required to obtain a manually or an electronically signed copy of the form from the associated person, provided that the member obtains the associated person's written acknowledgment (which may be electronic) prior to the filing, as currently specified in Rule 1010(c)(2). Moreover, as currently specified in Rule 1010(c)(3), if the member cannot obtain either the manual or electronic signature of the associated person or the written acknowledgment of the associated person prior to the filing, the member must still proceed with filing the amended disclosure information as to which it has knowledge and use reasonable efforts to provide the associated person with a copy of the amended information that was filed with FINRA.

[14] *See* proposed Rules 1010(c)(1) and (c)(2). These requirements are consistent with the current requirements for a manually signed copy.

[15] *See accord* Securities Exchange Act Release No. 85282 (March 11, 2019), 84 FR 9573 (March 15, 2019) (Order Approving File No. SR–FINRA–2018–040) (discussing valid electronic signatures under existing guidance).

[16] *See* Electronic Signatures in Regulation S–T Rule 302, Securities Exchange Act Release No. 90441 (November 17, 2020), 85 FR 78224 (December 4, 2020).

[17] 15 U.S.C. 78*o*–3(b)(6).

[18] *See supra* note 16.

2. Economic Baseline

Under the current signature requirement, the completed Form U4 must be printed in hard copy and manually signed by the individual on whose behalf the form is being filed. The individual may manually sign it in person at the member's, or applicant for membership's, location. Alternatively, the individual may manually sign it and return it to the member, or applicant for membership, by mailing it back or by scanning and emailing it back.[19] Upon receiving the manually signed copy of the form, the member, or applicant for membership, can proceed with filing the electronic version of the form through the CRD system. The manually signed copy must be retained for at least three years after the associated person's employment and any other connection with the member has terminated, and it is subject to examination by regulators.

As of the end of 2019, there were approximately 625,000 registered persons. In addition, approximately one million initial, transfer and amended Form U4s were filed with FINRA in 2019. Each such filing subject to a manual signature process requires labor time and costs associated with printing, scanning or mailing.[20] If the manually signed copies are stored in a hard copy form, there are costs associated with such storage.

3. Economic Impact

The proposed rule change would permit individuals on whose behalf the Form U4 is filed to provide an electronic signature, as an additional option to a manual signature, to evidence that they have signed the form. The proposed rule change is expected to generate cost savings for such individuals as well as for members and applicants for membership. Specifically, they may experience the saving of time and costs related to printing and, in some cases, mailing the wet signatures. Firms may also experience the saving of costs related to the storage of records as the proposed rule change gives them the ability to turn the entire Form U4 filing process electronic. The extent of the cost saving is, however, not uniform across the filings and cannot be estimated in aggregate for two reasons. First, as noted, we do not know how the individuals are currently returning the wet signature to the member, by mail, email of the scanned copy, or in-person signature. The expected cost saving would be greater for transactions shifting from in-person or mail signature to electronic signature and less for changes from emailing of the scanned copy to electronically signing it. Second, we do not know the nature of the Form U4 amendments, some of which currently do not require a signature.[21]

The proposed rule change implies limited costs and minimal distributional impacts by giving individuals the option, not the requirement, to sign electronically. Individuals and firms would choose to adopt electronic signatures if they perceive the expected benefits exceeding the expected costs. The costs of obtaining electronic signature software would be greatest for first time users, either through a third-party provider or in-house developed software. In circumstances where firms already have the software for doing business, the incremental cost of extending the usage to the Form U4 copy would be minimal.

Alternatives Considered

For initial and transfer Form U4s, FINRA considered whether to provide members, and applicants for membership, the option of obtaining the written acknowledgment of the individual on whose behalf the form is being filed, rather than obtaining the individual's manual or electronic signature on the Form U4 copy. FINRA determined not to provide this option. FINRA believes that it is important to have clear evidence of an individual's execution of an initial or a transfer Form U4, including his or her agreement to the attestations set forth in the form.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[22] and Rule 19b–4(f)(6) thereunder.[23]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. FINRA has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing.

The Commission notes that the proposed rule change does not impose any new obligations on FINRA members or applicants for membership. Instead, the proposed rule change provides members and applicants for membership with the flexibility to use either manual or electronic signatures on their Form U4, which is consistent with the temporary COVID–19 relief that FINRA has provided.[24] As discussed above, the proposed rule change also eliminates the need for members and applicants for membership to obtain a manual signature pursuant to FINRA's temporary COVID–19 relief, if they choose to rely on an electronic signature pursuant to the amended rules. As FINRA stated above, the proposed rule change would provide members and applicants for membership with an opportunity to better manage the operational challenges presented by the current pandemic by facilitating the use of electronic signatures.[25] FINRA stated that the COVID–19 pandemic amplified the need to permit the use of electronic signatures, and FINRA responded to this need by providing temporary relief via an FAQ on its website permitting firms to file an initial or a transfer Form U4 with FINRA prior to obtaining the manual signature of the applicant.[26] The Commission believes that waiving the 30-day operative delay would aid members and applicants for membership by providing them with the option to immediately rely on an electronic signature pursuant to this rule, as well as promote operational efficiency by allowing FINRA to immediately update its existing guidance regarding the obligations of

[19] There is currently no data on how the wet signature is being returned to the member, specifically the extent to which it was mailed, scanned and emailed, or signed in person.

[20] As previously noted, for Form U4 amendments to disclosure information, the member is not required to obtain a signed copy of the form from the associated person, provided that the member obtains the associated person's written acknowledgement or the member files the amendment consistent with the conditions described in Rule 1010.03. In addition, for Form U4 amendments to administrative information, the member is not required to obtain the associated person's signature or written acknowledgment. *See* Rule 1010(c)(4).

[21] *See supra* note 20.

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 17 CFR 240.19b–4(f)(6).

[24] *See supra* notes 10, 11.

[25] *See supra* note 12 and accompanying text.

[26] *See supra* notes 10, 11 and accompanying text.

members and applicants for membership under Rule 1010(c) in its temporary COVID–19 relief to reflect the proposed rule change. For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[27]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–FINRA–2021–003 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–FINRA–2021–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2021–003 and should be submitted on or before April 1, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05025 Filed 3–10–21; 8:45 am]

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[27] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91264; File No. SR–CboeBZX–2020–070]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of Amendment Nos. 1 and 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1 and 3, To List and Trade Shares of the −1x Short VIX Futures ETF Under BZX Rule 14.11(f)(4) (Trust Issued Receipts)

March 5, 2021.

I. Introduction

On September 4, 2020, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the −1x Short VIX Futures ETF (''Fund''), a series of VS Trust (''Trust''), under BZX Rule 14.11(f)(4) (Trust Issued Receipts). The proposed rule change was published for comment in the **Federal Register** on September 23, 2020.[3] On October 30, 2020, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On December 14, 2020, the Commission instituted proceedings pursuant to Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] On January 28, 2021, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change as originally filed.[8] On February 19, 2021, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89901 (Sept. 17, 2020), 85 FR 59836 (''Notice''). Comments on the proposed rule change can be found at: *https://www.sec.gov/comments/sr-cboebzx-2020-070/srcboebzx2020070.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 90292, 85 FR 70678 (Nov. 5, 2020). The Commission designated December 22, 2020, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 90659, 85 FR 82536 (December 18, 2020) (''OIP'').

[8] In Amendment No. 1, the Exchange: (i) Updated the information regarding the Fund's registration statement; (ii) clarified that the Index (defined below) seeks to reflect the returns that are potentially available from holding an unleveraged short position in first- and second-month VIX Futures Contracts (defined below) by measuring its daily performance from the weighted average price of VIX Futures Contracts; (iii) stated that the Sponsor (defined below) will seek to minimize the market impact of rebalances across all exchange traded products based on VIX Futures Contracts (''VIX ETPs'') that it sponsors (''Funds'') on the price of VIX Futures Contracts by limiting such Funds' participation, on any given day, in VIX Futures Contracts to no more than ten percent (10%) of the contracts traded on Cboe Futures Exchange during any Rebalance Period (defined below); (iv) stated that, in the event the Funds expect to hit this 10% threshold during the primary Rebalance Period from 3:45 p.m. to 4:00 p.m. E.T., the Funds would extend their respective rebalances into additional Rebalance Periods and the Trade At Settlement (''TAS'') market; (v) stated that, to limit participation during periods of market illiquidity, the Sponsor may vary the manner and period over which all funds it sponsors are rebalanced, including the Fund, and that Funds will be allocated executions based on their percentage of notional transaction volume required; (vi) stated that the Index's use of a weighted average price reference and the Sponsor's commitment to cap participation in the VIX futures market during any Rebalance Period to no more than 10% for all Funds should, among other things, help reduce the market impact of all exposure to the VIX futures market; (vii) stated that, in reviewing VIX Futures Contracts trading back to March 26, 2004, the Fund expects that it would have participated in an Extended Rebalance Period (defined below) on one or more days only in February 2018 and March 2020; and (viii) made technical, clarifying, and conforming changes. Amendment No. 1 is available at: *https://www.sec.gov/comments/sr-cboebzx-2020-070/srcboebzx2020070-8308776-228419.pdf.*

Exchange filed partial Amendment No. 3 to the proposed rule change.[9] The Commission is publishing this notice to solicit comments on Amendment No. 1 from interested persons, and is approving the proposed rule change, as modified by Amendment Nos. 1 and 3, on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment Nos. 1 and 3 [10]

The Exchange proposes to list and trade Shares of the Fund [11] under BZX Rule 14.11(f)(4), which governs the listing and trading of Trust Issued Receipts [12] on the Exchange. Volatility Shares LLC (''Sponsor''), a Delaware limited liability company and a commodity pool operator, serves as the Sponsor of the Trust.[13] Tidal ETF Services LLC serves as the administrator; U.S. Bank National Association serves as custodian of the Fund and the Shares; U.S. Bancorp Fund Services, LLC serves as the sub-administrator and transfer agent; and Wilmington Trust Company is the sole trustee of the Trust.

The Fund seeks to provide daily investment results (before fees and expenses) that correspond to the performance of the Short VIX Futures Index (SHORTVOL) (''Index'').[14] The Index measures the daily inverse performance of a theoretical portfolio of first- and second-month futures contracts on the Cboe Volatility Index (''VIX'').[15] The Index is comprised of VIX futures contracts (''VIX Futures Contracts'').[16] Specifically, the Index components represent the prices of the two near-term VIX Futures Contracts, replicating a position that rolls the nearest month VIX Futures Contract to the next month VIX Futures Contract on a daily basis in equal fractional amounts, resulting in a constant weighted average maturity of approximately one month.[17] The Index seeks to reflect the returns that are potentially available from holding an unleveraged short position in first-and second-month VIX Futures Contracts by measuring its daily performance from the weighted average price of VIX Futures Contracts.[18]

To pursue its investment objective, the Fund will primarily invest in VIX Futures Contracts based on components of the Index. The Fund will primarily acquire short exposure to the VIX through VIX Futures Contracts, such that the Fund has exposure intended to approximate the Index at the time of the net asset value (''NAV'') calculation of the Fund.[19] However, in the event that the Fund is unable to meet its investment objective solely through investment in VIX Futures Contracts, it may invest in over-the-counter (''OTC'') swaps referencing the Index or referencing particular VIX Futures Contracts comprising the Index (''VIX Swap Agreements'') [20] or in listed VIX options contracts (''VIX Options Contracts,'' and, together with VIX Futures Contracts and VIX Swap Agreements, ''VIX Derivative Products''). The Fund may also invest in Cash or Cash Equivalents [21] that may serve as collateral to the Fund's

[9] On February 16, 2021, the Exchange submitted Amendment No. 2 to the proposed rule change, and on February 19, 2021, the Exchange withdrew Amendment No. 2 to the proposed rule change. In Amendment No. 3, the Exchange added a representation that the Fund will notify both the Exchange and the Commission in the event that the Fund participates in an Extended Rebalance Period as soon as practicable, but no later than 9:00 a.m. E.T. on the trading day following the event. Amendment No. 3 is available at: *https://www.sec.gov/comments/sr-cboebzx-2020-070/srcboebzx2020070-8393728-229403.pdf*.

[10] Additional information regarding the Fund, the Trust, and the Shares, including investment strategies, creation and redemption procedures, and portfolio holdings can be found in Amendment No. 1, *supra* note 8.

[11] The Fund has filed a registration statement on Form S–1 under the Securities Act of 1933, dated August 26, 2020 (File No. 333–248430) (''Registration Statement''). The Registration Statement for the Fund is not yet effective, and the Fund will not trade on the Exchange until such time that the Registration Statement is effective.

[12] Rule 14.11(f)(4) applies to Trust Issued Receipts that invest in ''Financial Instruments,'' defined in Rule 14.11(f)(4)(A)(iv) as any combination of investments, including cash; securities; options on securities and indices; futures contracts; options on futures contracts; forward contracts; equity caps, collars and floors; and swap agreements.

[13] The Sponsor is not a broker-dealer or affiliated with a broker-dealer. In the event that (a) the Sponsor becomes a broker-dealer or newly affiliated with a broker-dealer, or (b) any new sponsor is a broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition of and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the portfolio.

[14] The Index is sponsored by Cboe Global Indexes (''Index sponsor''). The Index sponsor is not a registered broker-dealer, but is affiliated with a broker-dealer and has implemented and will maintain a fire wall with respect to the broker-dealer affiliate regarding access to information concerning the composition of and/or changes to the Index. In addition, the Index sponsor has implemented and will maintain procedures that are designed to prevent the use and dissemination of material, non-public information regarding the Index.

[15] The Exchange states that the VIX is an index designed to measure the implied volatility of the S&P 500 over 30 days in the future. The VIX is calculated based on the prices of certain put and call options on the S&P 500. The VIX is reflective of the premium paid by investors for certain options linked to the level of the S&P 500.

[16] The Exchange states that VIX Futures Contracts are measures of the market's expectation of the level of VIX at certain points in the future, and as such, will behave differently than current, or spot, VIX. While the VIX represents a measure of the current expected volatility of the S&P 500 over the next 30 days, the prices of VIX Futures Contracts are based on the current expectation of what the expected 30-day volatility will be at a particular time in the future (on the expiration date).

[17] The Exchange states that the roll period usually begins on the Wednesday falling 30 calendar days before the S&P 500 option expiration for the following month (''Cboe VIX Monthly Futures Settlement Date'') and runs to the Tuesday prior to the subsequent month's Cboe VIX Monthly Futures Settlement Date.

[18] The Exchange states that because VIX Futures Contracts correlate to future volatility readings of VIX, while the VIX itself correlates to current volatility, the Index and the Fund should be expected to perform significantly different from the inverse of the VIX over all periods of time. Further, unlike the Index, the VIX, which is not a benchmark for the Fund, is calculated based on the prices of certain put and call options on the S&P 500. According to the Exchange, while the Index does not correspond to the inverse of the VIX, because it seeks short exposure to VIX, the value of the Index, and by extension the Fund, will generally rise as the VIX falls and fall as the VIX rises.

[19] The Exchange states the Fund's NAV will be calculated at 4:00 p.m. E.T.

[20] The Exchange states the VIX Swap Agreements in which the Fund may invest may or may not be cleared. The Exchange states that the Fund will only enter into VIX Swap Agreements with counterparties that the Sponsor reasonably believes are capable of performing under the contract and will post collateral as required by the counterparty. The Exchange further states that the Fund will seek, where possible, to use counterparties, as applicable, whose financial status is such that the risk of default is reduced and that the Sponsor will evaluate the creditworthiness of counterparties on a regular basis. The Exchange states that, in addition to information provided by credit agencies, the Sponsor will review approved counterparties using various factors, which may include the counterparty's reputation, the Sponsor's past experience with the counterparty and the price/market actions of debt of the counterparty. According to the Exchange, the Fund may use various techniques to minimize OTC counterparty credit risk including entering into arrangements with counterparties whereby both sides exchange collateral on a mark-to-market basis. The Exchange states that collateral posted by the Fund to a counterparty in connection with uncleared VIX Swap Agreements is generally held for the benefit of the counterparty in a segregated tri-party account at the custodian to protect the counterparty against non-payment by the Fund.

[21] For purposes of the proposal, ''Cash and Cash Equivalents'' are short-term instruments with maturities of less than 3 months, including the following: (i) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (ii) certificates of deposit issued against funds deposited in a bank or savings and loan association; (iii) bankers' acceptances, which are short-term credit instruments used to finance commercial transactions; (iv) repurchase agreements and reverse repurchase agreements; (v) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (vi) commercial paper, which are short-term unsecured promissory notes; and (vii) money market funds.

investments in VIX Derivative Products.[22]

The Fund will seek to remain fully invested in VIX Derivative Products (and Cash and Cash Equivalents as collateral) that provide exposure to the Index consistent with its investment objective without regard to market conditions, trends or direction. The Fund's investment objective is a daily investment objective; that is, the Fund seeks to track the Index on a daily basis, not over longer periods.[23] Accordingly, each day, the Fund will position its portfolio so that it can seek to track the Index. The direction and extent of the Index's movements each day will dictate the direction and extent of the Fund's portfolio rebalancing. For example, if the level of the Index falls on a given day, net assets of the Fund would fall. As a result, exposure to the Index, through futures positions held by the Fund, would need to be decreased. The opposite would be the case if the level of the Index rises on a given day.

The time and manner in which the Fund will rebalance its portfolio is defined by the Index methodology but may vary from the Index methodology depending upon market conditions and other circumstances including the potential impact of the rebalance on the price of the VIX Futures Contracts. The Sponsor will seek to minimize the market impact of rebalances across all Funds [24] on the price of VIX Futures Contracts by limiting the Funds' participation, on any given day, in VIX Futures Contracts to no more than ten percent (10%) of the VIX Futures Contracts traded on Cboe Futures Exchange, Inc. (''CFE'') during any ''Rebalance Period,'' defined as any fifteen minute period of continuous market trading.[25] To limit participation during periods of market illiquidity, the Sponsor, on any given day, may vary the manner and period over which all funds it sponsors are rebalanced, and as such, the manner and period over which the Fund is rebalanced. The Sponsor believes that the Fund will enter an Extended Rebalance Period most often during periods of extraordinary market conditions or illiquidity in VIX Futures Contracts. In the event that the Fund participates in an Extended Rebalance Period, the Fund represents that it will notify the Exchange and the Commission of such participation as soon as practicable, but no later than 9:00 a.m. E.T. on the trading day following the event.

III. Discussion and Commission Findings

After careful review of the proposed rule change, as modified by Amendment Nos. 1 and 3, as well as comments received, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1 and 3, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[26] In particular, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1 and 3, is consistent with Section 6(b)(5) of the Act,[27] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

A. Market Impact Considerations

In the OIP, the Commission sought additional comment to assess whether the proposal is consistent with the requirements in Section 6(b)(5) of the Act, and, specifically requested comment on the Fund's operation during periods with large percentage increases in volatility and whether the Sponsor's proposed limitation on the use of VIX Futures Contracts during its rebalance would sufficiently minimize the market impact of the Fund's daily rebalance.[28] As discussed below, the Commission finds that the Exchange's proposal regarding the rebalancing methodology of the Fund, as amended, is designed to protect investors and the public interest.

An exchange-traded product (''ETP'') like the Fund would need to rebalance its holdings daily. For an ETP that tracks a benchmark index, like the Fund, the greater the movement in the reference index, the more demand would be associated with its daily rebalance. Because of the potential for large, sudden moves in VIX levels, there is a potential for large spikes in rebalancing demand for VIX ETPs. Following the OIP, the Exchange amended its proposal to state that the Sponsor will seek to minimize the market impact of rebalances across all Funds on the price of VIX Futures Contracts by limiting the Funds' participation, on any given day, in VIX Futures Contracts to no more than ten percent of the VIX Futures Contracts traded on CFE during any Rebalance Period.[29]

In support of its amended proposal, the Exchange states that the Sponsor's proposed methodology for the Funds seeks to reduce the dependence of VIX ETPs on TAS by seeking to execute part of the Funds' daily rebalance outside of TAS and believes that this approach will spread VIX futures trading activity over a longer period of time each day and should help to reduce market impact during periods of market turmoil or disruption.[30] In addition, the Exchange states that the Sponsor expects that allowing the Funds to participate in an Extended Rebalance Period will minimize the impact of the Funds' rebalance on the price of VIX Futures Contracts, and particularly minimize any impact of large rebalances during periods of market illiquidity.[31] The Exchange states that defining an explicit rebalancing methodology and limiting the Funds' participation in the VIX Futures Contracts should reduce the impact of the Fund's rebalancing on the price of VIX Futures Contracts. The Exchange further represents that in the event that the Fund participates in an

[22] According to the Exchange, the Fund will collateralize its obligations with Cash and Cash Equivalents consistent with the Investment Company Act of 1940 and interpretations thereunder.

[23] The Exchange states that the return of the Fund for a period longer than a single day is the result of its return for each day compounded over the period and usually would differ in amount and possibly even direction from either the inverse of the VIX or the inverse of a portfolio of short-term VIX Futures Contracts for the same period.

[24] For purposes of the filing, the Exchange states that the Funds include the Fund and the 2x Long VIX Futures ETF as proposed in SR–CboeBZX–2020–053, but may in the future include additional VIX ETPs sponsored by the Sponsor or its affiliates. *See* Securities Exchange Act Release No. 89234 (July 6, 2020), 85 FR 41644 (July 10, 2020).

[25] In the event that the Funds expect to hit the ten percent threshold during the primary Rebalance Period from 3:45 p.m. to 4:00 p.m. E.T., the Funds will extend their respective rebalances into additional Rebalance Periods and the TAS market. It is expected that this extension will provide the Funds with the flexibility to: Begin rebalancing in an earlier period, end rebalancing in a later period, and execute contracts in TAS (each an ''Extended Rebalance Period'' and collectively the ''Extended Rebalance Period'') while remaining below the ten percent cap during any fifteen minute period of continuous market trading. The Funds will be allocated executions based on their percentage of notional transaction volume required.

[26] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[27] 15 U.S.C. 78f(b)(5).

[28] *See* OIP, *supra* note 7, 85 FR 82536 at 82538. As originally proposed, the Sponsor would have sought to minimize the market impact of Fund rebalances on the price of VIX Futures Contracts by limiting the Fund's participation, on any given day, in VIX Futures Contracts to no more than one-quarter of the contracts traded on the CFE during any rebalance period (defined by the Index methodology as 3:45 p.m. to 4:00 p.m. E.T.). *See* Notice, *supra* note 3, 85 FR 59836 at 59839.

[29] *See* Amendment No. 1, *supra* note 8, at 11.

[30] *See* Amendment No. 1, *supra* note 8, at 12–13.

[31] *See* Amendment No. 1, *supra* note 8, at 13.

Extended Rebalance Period, the Fund will notify the Exchange and the Commission of such participation as soon as practicable, but no later than 9:00 a.m. E.T. on the trading day following the event.[32]

In addition, the Exchange states that the Index's use of a weighted average price of VIX Futures Contracts to measure its daily performance, as described above, is expected to shift part of the present dependence of VIX ETPs on the TAS market, and reduce the potential impact of very short-term mispricing or manipulation on the daily price of the Funds.[33] The Exchange states that the weighted average price reference will also offer the Sponsor a larger window of time to rebalance the Fund, and the option to expand the Rebalance Period to limit market impact.[34]

The Commission received several comment letters in response to the OIP, including one from the Sponsor, all of which were supportive of the proposal.[35] Commenters wrote favorably of the rebalancing design of the Fund.[36] One commenter stated that, ''although rebalancing flows from leveraged and inverse VIX products are usually absorbed in an orderly fashion . . . [there is] a potential benefit from distributing rebalancing flows more evenly across the trading day instead concentrating the flows around the time of the daily settlement.'' [37] One commenter stated, with respect to the rebalancing, that the ''design of this ETF . . . will help insure the orderly rebalancing of this product, enhancing price discovery and liquidity of the VIX futures markets.'' [38] Another commenter discussed the rebalance feature and capping trading volume during the rebalance period and stated that the architecture of the Fund substantially reduces the potential for fraudulent and manipulative acts and practices because it dilutes key information that encourages front running, liquidity withholding and other manipulative strategies.[39] Finally, a commenter affiliated with the Sponsor stated that ''altering the valuation period, and hence the target period over which the Fund rebalances its portfolio . . . will help reduce the dependency of VIX ETPs on the VIX settlement market'' and this ''dependence by previous and existing VIX ETPs . . .may have triggered a major market disruption on February 5, 2018.'' [40]

The Commission believes that the Exchange's proposal regarding the rebalancing methodology of the Fund, as amended, is reasonably designed to help mitigate the potential market impact of the Fund's daily rebalance demand during periods when there are large percentage increases in volatility.[41] The Fund's proposed rebalancing process, including the Sponsor's commitment to cap participation in the VIX Futures Contracts market during any Rebalance Period to no more than 10% for all Funds, should help to temper the impact of the Funds' rebalances on the price of VIX Futures Contracts, particularly during periods of market volatility or illiquidity. The Commission believes the 10% participation cap strikes an appropriate balance between allowing the Funds to rebalance within a reasonably short period of time and managing the potential market impact of a large rebalance. Therefore, the Commission believes the Exchange's proposal is adequately designed to address the market impact concern articulated in the OIP. The Commission finds that the proposal is consistent with Section 6(b)(5) of the Act, including the protection of investors and the public interest.

B. Other Considerations

The Commission believes that the proposal is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading in the Shares when a reasonable degree of certain pricing transparency cannot be assured and, as such, finds that the proposal is designed to prevent fraudulent and manipulative acts and practices and protect investors and the public interest. Specifically, the Exchange will obtain a representation from the Sponsor of the Shares that the NAV will be calculated daily and that the NAV and the Fund's holdings will be made available to all market participants at the same time. On each Business Day,[42] before commencement of trading in Shares during Regular Trading Hours,[43] the Fund will disclose on its website the holdings that will form the basis for the Fund's calculation of NAV at the end of the Business Day. This website disclosure of the portfolio composition of the Fund will occur at the same time as the disclosure by the Fund of the portfolio composition to authorized participants, so that all market participants will be provided portfolio composition information at the same time, and the same portfolio information will be provided on the public website as in electronic files provided to authorized participants. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the Consolidated Tape Association. As required by BZX Rule 14.11(f)(4), an updated Intraday Indicative Value (''IIV'') will be calculated and widely disseminated by one or more major market data vendors every 15 seconds throughout Regular Trading Hours. The IIV will be published on the Exchange's website and will be available through on-line information services such as Bloomberg and Reuters. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The Fund's website will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. In addition, the level of the Index will be published at least every 15 seconds in real time from 9:30 a.m. to 4:00 p.m. E.T. and at the close of trading on each Business Day by Bloomberg and Reuters.

[32] *See* Amendment No. 3, *supra* note 9.

[33] *See* Amendment No. 1, *supra* note 8, at 12.

[34] *See id.*

[35] *See* letters from Jay Soloff, Lead Options Analyst, Investors Alley, dated December 30, 2020 (''Soloff Letter''); Soeren Bundgaard Broegger, Copenhagen Business School, dated January 1, 2021 (''Broegger Letter''); Vance Harwood, President, Six Figure Investing, Advisory Board, Invest in Vol, dated January 4, 2021 (''Harwood Letter''); Stuart Barton, Head of Investments, Sponsor, dated January 6, 2021 (''Sponsor Letter''); Invest in Vol, dated January 6, 2021 (''Invest in Vol Letter''); Jim Carroll, dated January 7, 2021 (''Caroll Letter''); Peter Corrigan, dated January 7, 2021 (''Corrigan Letter''), and Russell Rhoads, Head of Research and Consulting, EQDerivatives, dated January 14, 2021 (''Rhoads Letter''). Several of these commenters stated that the Fund would fulfill a need in the ETP space by permitting certain investors to obtain short volatility exposure in a more efficient manner than is currently available. *See* Sponsor Letter, at 2; Carroll Letter; Corrigan Letter; Harwood Letter, at 2; Invest in Vol Letter; Rhoads Letter; and Soloff Letter.

[36] *See* Sponsor Letter, at 1–2; Broegger Letter; Corrigan Letter; and Harwood Letter, at 1.

[37] *See* Broegger Letter.

[38] *See* Carroll Letter.

[39] *See* Harwood Letter, at 1.

[40] *See* Sponsor Letter.

[41] The Commission's findings in this order are based on the specific proposed rule change filed with the Commission, including how the proposed rule operates under the current market conditions discussed in this order. The Commission recognizes that, over time, market conditions in VIX ETP markets, and the related VIX futures market, may change.

[42] A ''Business Day'' means any day other than a day when any of BZX, Cboe, CFE or other exchange material to the valuation or operation of the Fund, or the calculation of the VIX, options contracts underlying the VIX, VIX Futures Contracts or the Index is closed for regular trading.

[43] As defined in BZX Rule 1.5(w), the term ''Regular Trading Hours'' means the time between 9:30 a.m. and 4:00 p.m. E.T.

Quotation and last-sale information regarding VIX Futures Contracts and VIX Options Contracts will be available from the exchanges on which such instruments are traded. Quotation and last-sale information relating to VIX Options Contracts will also be available via the Options Price Reporting Authority. Quotation and last-sale information for VIX Swap Agreements will be available from nationally recognized data services providers, such as Reuters and Bloomberg, through subscription agreements or from a broker-dealer who makes markets in such instruments. Pricing information regarding Cash Equivalents in which the Fund may invest is generally available through nationally recognized data services providers, such as Reuters and Bloomberg, through subscription agreements. The closing prices and settlement prices of the Index Components (*i.e.,* the first- and second-month VIX Futures Contracts) will be readily available from the websites of CFE (*http://www.cfe.cboe.com*), automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters. The CFE also provides delayed futures information on current and past trading sessions and market news free of charge on its website. Complete real-time data for component VIX Futures Contracts underlying the Index, including the specific contract specifications of Index Components (*i.e.,* first-month and second-month VIX Futures Contracts), is available by subscription from Reuters and Bloomberg.

The Commission believes that the Exchange's rules regarding trading halts further help to ensure the maintenance of fair and orderly markets for the Shares, which is consistent with the protection of investors and the public interest. Trading in the Shares may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments composing the daily disclosed portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, the Exchange will halt trading in the Shares under the conditions specified in BZX Rule 11.18 (Trading Halts Due to Extraordinary Market Volatility). BZX Rule 14.11(f)(4)(c)(ii) enumerates additional circumstances under which the Exchange will consider the suspension of trading in and will commence delisting proceedings for the Shares.

The Commission finds that the Exchange's proposal regarding safeguarding material non-public information relating to the Fund's portfolio is designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest. Specifically, the Exchange states that the Sponsor is not a broker-dealer or affiliated with a broker-dealer. In the event that (a) the Sponsor becomes a broker-dealer or newly affiliated with a broker-dealer, or (b) any new sponsor is a broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition of and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the portfolio. Moreover, trading of the Shares will be subject to BZX Rule 14.11(f)(4)(D), which sets forth certain restrictions on Members [44] acting as registered Market Makers [45] in Trust Issued Receipts to facilitate surveillance. In addition, the Exchange has a general policy prohibiting the distribution of material, non-public information by its employees.

Furthermore, the Commission finds that the Exchange's proposal regarding surveillance of the Shares and the underlying investments is designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest. The Exchange or the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange, or both, will communicate and may obtain information regarding trading in the Shares and the underlying listed instruments, including listed derivatives held by the Fund, with the Intermarket Surveillance Group (''ISG''), other markets or entities who are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement. The Exchange states that trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, and these procedures are adequate to properly monitor Exchange trading of the Shares during all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. In addition, all of the VIX Futures Contracts and VIX Options Contracts held by the Fund will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

The Commission finds that the Exchange's rules relating to trading of the Shares on the Exchange are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the Exchange states that:

(1) The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities;

(2) The Shares will conform to the initial and continued listing criteria under BZX Rule 14.11(f);

(3) Pursuant to BZX Rule 14.11(a), all statements and representations made in the filing regarding the Index composition, description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of the Index, reference assets, and IIV, or the applicability of Exchange listing rules specified in the filing shall constitute continued listing requirements for the Shares. The issuer will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If the Fund or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.

(4) The Exchange has the appropriate rules to facilitate transactions in the Shares during all trading sessions;

(5) Prior to the commencement of trading, the Exchange will inform its Members in an Information Circular of the special characteristics and risks associated with trading the Shares; [46]

[44] As defined in BZX Rule 1.5(n), the term ''Member'' means any registered broker or dealer that has been admitted to membership in the Exchange.

[45] As defined in BZX Rule 1.5(l), the term ''Market Maker'' means a Member that acts as a Market Maker pursuant to Chapter XI of the BZX Rules.

[46] The Exchange states that the Information Circular will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (b) BZX Rule 3.7, which imposes suitability obligations on Members with respect to recommending transactions in the Shares to customers; (c) Interpretation and Policy .01 of BZX Rule 3.7 which imposes a duty of due diligence on its Members to learn the essential facts

Continued

(6) FINRA has implemented increased sales practice and customer margin requirements for FINRA members applicable to inverse, leveraged and inverse leveraged securities (which include the Shares) and options on such securities, as described in FINRA Regulatory Notices 09–31 (June 2009), 09–53 (August 2009), and 09–65 (November 2009). Members that carry customer accounts will be required to follow the FINRA guidance set forth in these notices;

(7) For initial and continued listing, the Fund and the Trust must be in compliance with Rule 10A–3 under the Act; [47] and

(8) A minimum of 100,000 Shares of the Fund will be outstanding at the commencement of trading on the Exchange.

Accordingly, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1 and 3, is consistent with Section 6(b)(5) of the Act [48] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Solicitation of Comments on Amendment Nos. 1 and 3 to the Proposed Rule Change

Interested persons are invited to submit written views, data, and arguments concerning whether Amendment Nos. 1 and 3 are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2020–070 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–2020–070. 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–2020–070 and should be submitted on or before April 1, 2021.

V. Accelerated Approval of the Proposed Rule Change, as Modified by Amendment Nos. 1 and 3

The Commission finds good cause to approve the proposed rule change, as modified by Amendment Nos. 1 and 3, prior to the thirtieth day after the date of publication of notice of the filing of Amendment Nos. 1 and 3 in the **Federal Register**. In Amendment No. 1, among other things,[49] the Exchange represents that the Funds' participation, on any given day, in VIX Futures Contracts, will be limited to no more than ten percent of the VIX Futures Contracts traded on CFE during any Rebalance Period, and in the event that the Funds expect to hit the ten percent threshold during the primary Rebalance Period, the Funds would extend their respective rebalances into an Extended Rebalance Period. In Amendment No. 3, the Exchange represents that the Fund will notify both the Exchange and the Commission in the event that the Fund participates in an Extended Rebalance Period as soon as practicable, but no later than 9:00 a.m. E.T. on the trading day following the event. The changes to the proposal and additional information in Amendment Nos. 1 and 3 assist the Commission in evaluating the Exchange's proposal and in determining that it is consistent with the Act. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[50] to approve the proposed rule change, as modified by Amendment Nos. 1 and 3, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[51] that the proposed rule change (SR–CboeBZX–2020–070), as modified by Amendment Nos. 1 and 3, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[52]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05027 Filed 3–10–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91261; File No. SR–NSCC–2021–001]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Remove the InsurExpress and Replacements Services From Rule 57 of the NSCC Rules

March 5, 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 25, 2021, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A) [3] of the Act and subparagraph (f)(4) [4] of Rule 19b–4 thereunder. The Commission is publishing this notice to solicit

relating to every customer prior to trading the Shares, and specifically provides that ''[n]o Member shall recommend to a customer a transaction in any such product unless the Member has a reasonable basis for believing at the time of making the recommendation that the customer has such knowledge and experience in financial matters that he may reasonably be expected to be capable of evaluating the risks of the recommended transaction and is financially able to bear the risks of the recommended position;'' (d) how information regarding the IIV and the Fund's holdings is disseminated; (e) the risks involved in trading the Shares during the Pre-Opening and After Hours Trading Sessions (as such terms are defined in BZX Rules) when an updated IIV will not be calculated or publicly disseminated; (f) the requirement that Members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (g) trading information.

[47] 17 CFR 240.10A–3.

[48] 15 U.S.C. 78f(b)(5).

[49] *See supra* note 8.

[50] 15 U.S.C. 78s(b)(2).

[51] *Id.*

[52] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4).

comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

(a) The proposed rule change of NSCC is annexed hereto as Exhibit 5 and consists of modifications to NSCC's Rules & Procedures (''Rules'') in order to remove the InsurExpress and Replacements services from Rule 57 of the Rules, as described in greater detail below.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change consists of modifications to the Rules in order to remove the InsurExpress and Replacements services from Rule 57 of the Rules, as described in greater detail below.

Background

InsurExpress

In 2003, NSCC established a service (''InsurExpress'') to allow Members, Mutual Fund/Insurance Services Members, Insurance Carrier/Retirement Services Members and Data Services Only Members (collectively, ''I&RS Members'') to submit application information and to settle premium payments with respect to life insurance products that it, at that time, called ''Portal.'' [6] In 2006, NSCC modified the Rules to, among other things, add a provision in the Rules specific to the service, rename the service ''InsurExpress'' and provide that InsurExpress would allow I&RS Members to transmit I&RS Data relating to the initiation, processing and completion of applications for life insurance contracts and other insurance products among themselves.[7] The provision relating to InsurExpress is set forth in Section 10 of Rule 57 of the Rules.[8] The 2003 Filing introducing the service indicated that the proposed fee schedule was being developed and would be filed with the Commission at a later date.[9]

No I&RS Members signed up for or used InsurExpress, and fees for InsurExpress were never developed or filed with the Commission. In addition, there were no system developments made to the NSCC system in connection with InsurExpress. NSCC has no current plans to develop fees or build anything in the NSCC system relating to InsurExpress. As a result, NSCC would like to remove InsurExpress from the Rules.

Replacements

In 2010, NSCC established a service (''Replacements'') intended to support the transmission of I&RS Data regarding the transfer, exchange or replacement of an existing insurance contract and settlement of payments in conjunction to these replacement transactions. System developments to the NSCC system were made to support Replacements and a fee schedule for the service was added in Section IV.K.3 of Addendum A of the Rules. In addition, NSCC believes that at least one I&RS Member signed up to use Replacements and possibly tested the service. However, the service was never used in production and no fees have been charged for the service. There are currently no I&RS Members signed up for Replacements and NSCC does not believe that any I&RS Members will use the service. As a result, NSCC would like to remove Replacements from the Rules.

Proposed Rule Change

In order to implement the proposal above, NSCC would delete Section 10 of Rule 57,[10] which is the section relating to InsurExpress. In addition, NSCC would delete Section 11 of Rule 57,[11] which is the section relating to Replacements. NSCC would re-number Section 12 and Section 13 of Rule 57 to reflect the deletions of Sections 10 and 11 of Rule 57. NSCC would also remove the fees listed for Replacements in Section IV.K.3 of Addendum A of the Rules.[12]

2. Statutory Basis

Section 17A(b)(3)(F) of the Act requires, in part, that the Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions.[13] NSCC believes that the proposed rule change is consistent with this provision because it would provide enhanced clarity and transparency for participants with respect to services offered by NSCC by updating the Rules to remove the ability to access services that I&RS Members did not utilize and are unlikely to utilize in the future.

Therefore, by providing enhanced clarity and transparency in the Rules regarding the services provided by NSCC, NSCC believes the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions, consistent with the requirements of the Act, in particular Section 17A(b)(3)(F), cited above.

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe that the proposed rule change would have any impact on competition. I&RS Members have not used InsurExpress or Replacements and are unlikely to use either service in the future. Therefore, the proposed rule change should have no effect on I&RS Members, other than to remove InsurExpress and Replacements from the Rules which are unlikely to be utilized by I&RS Members.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. NSCC will notify the Commission of any written comments received by NSCC.

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) [14] of the Act and paragraph (f) [15] of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend

[5] Terms not defined herein are defined in the Rules, *available at https://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

[6] Securities Exchange Act Release No. 48896 (December 9, 2003), 68 FR 70553 (December 18, 2003) (SR–NSCC–2003–18) (''2003 Filing'').

[7] Securities Exchange Act Release No. 54921 (December 12, 2006), 71 FR 76415 (December 20, 2006) (SR–NSCC–2006–14).

[8] Section 10 of Rule 57, *supra* note 5.

[9] *See* Footnote 3 of the 2003 Filing, *supra* note 6.

[10] Section 10 of Rule 57, *supra* note 5.

[11] Section 11 of Rule 57, *supra* note 5.

[12] Section IV.K.3 of Addendum A of the Rules, *supra* note 5.

[13] 15 U.S.C. 78q–1(b)(3)(F).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f).

such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NSCC–2021–001 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–NSCC–2021–001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of NSCC and on DTCC's website (*https://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NSCC–2021–001 and should be submitted on or before April 1, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05024 Filed 3–10–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91272; File No. SR–CboeEDGX–2021–012]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.11 (Routing to Away Trading Centers), as Well as Its Fee Schedule, To Delete References to the INET and RDOX Routing Options

March 5, 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 March 1, 2021, Cboe EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') proposes to amend Rule 11.11 (Routing to Away Trading Centers), as well as its Fee Schedule, to delete references to the INET and RDOX routing options. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend paragraphs (4) and (6) under Exchange Rule 11.11(g) and 11.11(a) to delete all references to the INET and RDOX routing options. The Exchange also proposes to delete all references to the INET routing option from the EDGX Fee Schedule, as provided in fee codes 2 and L. The Exchange intends to implement the proposed rule changes on March 1, 2021.

Exchange Rule 11.11(g) provides for various routing options available on the Exchange. Specifically, Rule 11.11(g)(4) provides for the INET routing option, under which an order checks the System[5] for available shares and then is sent to Nasdaq. If shares remain unexecuted after routing, they are posted on the Nasdaq book, unless otherwise instructed by the User.[6] Similarly, Exchange Rule 11.11(g)(6) provides for the RDOX routing option, under which an order checks the System for available shares and then is sent to the NYSE and can be re-routed by the NYSE. If shares remain unexecuted after routing, they are posted on the NYSE book, unless otherwise instructed by the User.

The Exchange has determined because few Users select the INET or RDOX routing options, the current demand does not warrant the infrastructure and ongoing maintenance expenses required to support the product. Therefore, the Exchange now

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The term ''System'' shall mean the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away. *See* Exchange Rule 1.5(cc).

[6] The term ''User'' shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3. *See* Exchange Rule 1.5(ee).

proposes to delete INET and RDOX as a routing option as provided by Rule 11.11(g)(4) and (6), respectively.

Given the proposed changes described above, the Exchange also proposes to amend Rules 11.11(a) to eliminate any reference to the INET and RDOX routing strategies. Specifically, Rule 11.11(a) provides that unless a User selects the Post to Away, RDOT, RDOX, INET, or ROOC routing option, an order that includes a Short Sale instruction when a Short Sale Circuit Breaker pursuant to Rule 201 of Regulation SHO is in effect is not eligible for routing by the Exchange. Based on the proposal to eliminate INET and RDOX from Exchange Rules, the Exchange is proposing to eliminating [sic] all such references to INET and RDOX in Rules 11.11(a).

As the Exchange is proposing to eliminate the INET routing option from the EDGX Rulebook, the Exchange also proposes to eliminate any such reference to those routing options [sic] on the EDGX Fee Schedule. Specifically, the Exchange proposes to eliminate Fee Codes 2 [7] and L.[8]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change to remove references to the RDOX and INET routing options will remove impediments to the mechanism of a free and open market, thereby protecting investors and the public interest. As stated, the Exchange has noted that few Users elect the RDOX and INET routing options and has determined that the current demand does not warrant the infrastructure and ongoing maintenance expense required to support these products. Therefore, the Exchange is discontinuing these routing options. The Exchange notes that routing through the Exchange is voluntary and alternative routing options offered by the Exchange as well as other methods remain available to Users that wish to route to other trading centers. In addition, neither the RDOX nor the INET routing options are core product offerings by the Exchange, nor is the Exchange required by the Act to offer such products. By removing references to routing options that will no longer be offered by the Exchange, the Exchange believes the proposed rule change will remove impediments to the mechanism of a free and open market and protect investors by providing investors with rules that accurately reflect routing options currently available on the Exchange. The Exchange does not believe that this proposal will permit unfair discrimination among customers, brokers, or dealers because the RDOX and INET routing options will no longer be available to all Users.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change to remove RDOX and INET is not designed to address any competitive issues but rather to delete the RDOX and INET routing options that are rarely used on the Exchange. As stated, the Exchange has noted that few Users elect the RDOX or INET routing options and has determined that the current demand does not warrant the infrastructure and ongoing maintenance expense required to support these products. Therefore, the Exchange is discontinuing these routing options. The Exchange notes that routing through the Exchange is voluntary and alternative routing options offered by the Exchange as well as other methods remain available to Users that wish to route to other trading centers. In addition, neither the RDOX nor the INET routing options are core product offerings by the Exchange, nor is the Exchange required by the Act to offer such products.

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 [12] and Rule 19b–4(f)(6) [13] thereunder because the proposal does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms, become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.[14]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [15] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [16] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay would immediately eliminate rules and references that account for services the Exchange planned to discontinue on March 1, 2021, thereby avoiding potential investor confusion during the operative delay period. Based on the foregoing, the Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and

[7] Orders that yield fee code 2 are routed to Nasdaq using the INET routing strategy (Tape B), and are charged a fee of $0.00300.

[8] Orders that yield fee code L are routed to Nasdaq using the INET routing strategy (Tape A or C), and are charged a fee of $0.00300.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

designates the proposal operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[18]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2021–012 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2021–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2021–012 and should be submitted on or before April 1, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

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[17] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 15 U.S.C. 78s(b)(3)(C).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91269; File No. SR–CboeBZX–2021–018]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.13 (Order Execution and Routing), as Well as Its Fee Schedule, To Delete References to the INET, RDOX, and TRIMminus Routing Options

March 5, 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 March 1, 2021, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') proposes to amend Rule 11.13 (Order Execution and Routing), as well as its Fee Schedule, to delete references to the INET, RDOX, and TRIMminus (''TRIM-'')[5] routing options. 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 paragraphs (G), (H), (J), and (L) under Exchange Rule 11.13(b)(3) to delete all references to the INET, RDOX, and TRIM-routing options. The Exchange also proposes to delete all references to the INET and RDOX routing options from the BZX Fee Schedule, as provided [sic] fee codes J and D, respectively, and footnote 10. The Exchange intends to implement the proposed rule changes on March 1, 2021.

Exchange Rule 11.13(b)(3) provides for various routing options available on the Exchange. In particular, [sic] 11.13(b)(3)(G)(iv) provides for the TRIM routing option under which a User may designate that an order first checks the System[6] for available shares, and then routes to routes to [sic] Cboe BYX Exchange, Inc. (''BYX'') followed by the other destinations on the system routing table.[7] The Exchange notes that TRIM

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] TRIM- is not a term used in Exchange Rules. However, it is described in Rule 11.13(b)(3)(G).

[6] The term ''System'' shall mean the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away. *See* Exchange Rule 1.5(aa).

[7] The Exchange reserves the right to maintain a different System routing table for different routing options and to modify the System routing table at any time without notice. *See* Exchange Rule 11.13(b)(3).

also has a variant routing strategy (TRIM-) in that a User [8] may designate an order to skip the Exchange and otherwise send orders to the same venues as TRIM (*i.e.,* BYX followed by the other destinations on the system routing table).[9] Additionally, Rule 11.13(b)(3)(J) provides for the INET routing option, under which an order checks the System for available shares and then is sent to Nasdaq. If shares remain unexecuted after routing, they are posted on the Nasdaq book, unless otherwise instructed by the User. Similarly, Exchange Rule 11.13(b)(3)(L) provides for the RDOX routing option, under which an order checks the System for available shares and then is sent to the NYSE and can be re-routed by the NYSE. If shares remain unexecuted after routing, they are posted on the NYSE book, unless otherwise instructed by the User.

The Exchange has determined because few Users select the TRIM-, INET or RDOX routing options, the current demand does not warrant the infrastructure and ongoing maintenance expenses required to support the product. Therefore, the Exchange now proposes to delete INET and RDOX as a routing option as provided by Rule 11.13(b)(3)(J) and (L), respectively, and to delete the reference to TRIM- from Rule 11.13(b)(3)(G).[10]

Given the proposed changes described above, the Exchange also proposes to amend Rule 11.13(b)(3)(H) to eliminate any reference to the INET and RDOX routing strategies. Specifically, Rule 11.13(b)(3)(H) provides for the Post to Away routing option, which routes the remainder of a routed order to and posts such order on the order book of a destination on the System routing table as specified by the User, and lists the specific routing options for which the Post to Away routing option may be combined. Both INET and RDOX are listed under Rule 11.13(b)(3)(H) as routing options that may be combined with the Post to Away routing option; therefore, the Exchange is proposing to eliminating [sic] all such references to INET and RDOX in Rule 11.13(b)(3)(H).

As the Exchange is proposing to eliminate the INET and RDOX routing options from the BZX Rulebook, the Exchange also proposes to eliminate any such reference to those routing options on the BZX Fee Schedule. Specifically, the Exchange proposes to eliminate RDOX from the description of Fee Code D,[11] and eliminate INET from the description of Fee Code J.[12] Additionally, the Exchange proposes to delete references to both RDOX and INET in footnote 10 of the Fee Schedule.[13]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [15] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change to remove references to the TRIM-, RDOX, and INET routing options will remove impediments to the mechanism of a free and open market, thereby protecting investors and the public interest. As stated, the Exchange has noted that few Users elect the TRIM-, RDOX, and INET routing options and has determined that the current demand does not warrant the infrastructure and ongoing maintenance expense required to support these products. Therefore, the Exchange is discontinuing these routing options. The Exchange notes that routing through the Exchange is voluntary and alternative routing options offered by the Exchange as well as other methods remain available to Users that wish to route to other trading centers. In addition, neither the TRIM-, RDOX, nor the INET routing options are core product offerings by the Exchange, nor is the Exchange required by the Act to offer such products. By removing references to routing options that will no longer be offered by the Exchange, the Exchange believes the proposed rule change will remove impediments to the mechanism of a free and open market and protect investors by providing investors with rules that accurately reflect routing options currently available on the Exchange. Further, the Exchange does not believe that this proposal will permit unfair discrimination among customers, brokers, or dealers because the TRIM-, RDOX, and INET routing options will no longer be available to all Users.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change to remove TRIM-, RDOX, and INET is not designed to address any competitive issues but rather to delete the TRIM-, RDOX, and INET routing options that are rarely used on the Exchange. As stated, the Exchange has noted that few Users elect the TRIM-, RDOX, and INET routing options and has determined that the current demand does not warrant the infrastructure and ongoing maintenance expense required to support these products. Therefore, the Exchange is discontinuing these routing options. The Exchange notes that routing through the Exchange is voluntary and alternative routing options offered by the Exchange as well as other methods remain available to Users that wish to route to other trading centers. In addition, neither the TRIM-, RDOX, nor the INET routing options are core product offerings by the Exchange, nor is the Exchange required by the Act to offer such products.

[8] The term ''User'' shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3. *See* Exchange Rule 1.5(cc).

[9] *See* Exchange Rule 11.13(b)(3)(G), which provides that in connection with routing strategies (iv) and (v) below (*i.e.,* TRIM and SLIM, respectively), a User may designate that an order first routes to BYX, checks the System for available shares, and then routes to other destinations on the System routing table.

[10] TRIM will still be available, but without TRIM- there will be no option for an order to bypass the local book. The proposal would eliminate the reference to TRIM- noted in Exchange Rule 11.13(b)(3)(G). *See supra* note 9.

[11] Orders that yield fee code D are routed to NYSE using Destination Specific, RDOT, RDOX, or TRIM routing strategy, and are charged a fee of $0.00280.

[12] Orders that yield fee code J are routed to Nasdaq using Destination Specific or INET routing strategy, and are charged a fee of $0.00290.

[13] Footnote 10 of the Fee Schedule provides that executions that add liquidity in securities priced below $1.00 with an RDOT, RDOX, INET, and Post to Away routing option are charged no fee and given no rebate.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

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 [17] and Rule 19b–4(f)(6) [18] thereunder because the proposal does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms, become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.[19]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [20] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [21] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay would immediately eliminate rules and references that account for services the Exchange planned to discontinue on March 1, 2021, thereby avoiding potential investor confusion during the operative delay period. Based on the foregoing, the Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[22]

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6).

[19] In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6)(iii).

[22] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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.[23]

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–2021–018 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–2021–018. 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–2021–018 and should be submitted on or before April 1, 2021.

[23] 15 U.S.C. 78s(b)(3)(C).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05030 Filed 3–10–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91263; File No. SR–Phlx–2021–11]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Equity 4, Rule 3301B Regarding Reserve Orders

March 5, 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 23, 2021, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Equity 4, Rule 3301B, 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

[24] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 Equity 4, Rule 3301B(h), which describes Orders with ''Reserve Size,'' to clarify its existing practice relating to replenishments of such Orders. As set forth in Equity 4, Rule 3301B(h), ''Reserve Size'' is an Order Attribute that permits a Participant to stipulate that an Order Type that is Displayed may have its displayed size replenished from additional non-displayed size.[3]

The Exchange established the Reserve Orders with the intention that it would always act as a provider of liquidity upon replenishment. Indeed, this is what participants have come to expect from the operation of Reserve Orders.

However, a rule filing[4] introduced a rare circumstance where a Reserve Order, upon replenishment of its Displayed Order component, theoretically could become a liquidity remover under the existing Exchange Rules.

An example of the rare theoretical circumstance is as follows. Order 1 is a Price to Comply Order to buy at $10.00 resting on the Exchange book with 100 shares displayed and 3,000 shares in reserve (for a total order size of 3,100 shares). Order 2 is an Order to sell 100 shares at $10.00, which executes against the 100 displayed shares from Order 1 upon entry. Order 3 is a Post Only order to sell 1,000 shares at $10.00 that is entered and posts to the Book before Order 1 has been replenished. Following the rules of the Post Only Order Type, Order 3 does not execute against the non-displayed interest resting at $10.00, but instead posts at the locking price. Therefore, upon replenishment, the new 100 shares of Order 1 would lock Order 3 at $10.00. As directed by the rule governing Price to Comply Orders,[5] Order 1 would execute against Order 3 at $10.00 as a liquidity taker.

The Exchange did not account for this scenario when drafting its rules. In fact, the Exchange does not presently handle this scenario as described above. Instead, upon replenishment, the Exchange reprices the new displayed Price to Comply Order such that it does not execute against Order 3 as a liquidity taker.

However, the Exchange now proposes to eliminate any unintended inconsistency as to how it handles this scenario and make clear in its Rules that a Reserve Order is an adder of liquidity after posting on the Exchange Book in all circumstances. Specifically, the Exchange proposes to amend the Rule to state that if the new Displayed Order would lock an Order that posted to the Exchange Book before replenishment can occur, the Displayed Order will post at the locking price if the resting Order is Non-Display or will be repriced, ranked, and displayed at one minimum price increment lower (higher) than the locking price if the resting order to sell (buy) is Displayed.[6] [7]

Again, in the above example, the proposed rule will prevent Order 1 from becoming a liquidity remover because upon replenishment, the new Displayed Order will not attempt to execute against Order 3, but instead it will post to the Exchange Book and display at a price of $9.99, while the remaining 2,900 non-display shares in reserve will remain posted at $10.00.

By posting new Displayed Orders without attempting to execute, the Displayed Order will avoid removing liquidity upon replenishment.[8]

The Exchange notes that the Commission has approved a similar rule change that its sister exchange, the Nasdaq Stock Market, LLC (''Nasdaq''), submitted late last year.[9] The Exchange's proposal will harmonize the Exchange's Reserve Order Attribute rule with that of Nasdaq.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(5) of the Act,[11] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The proposed rule change is consistent with the Act because it will help ensure that the Exchange's Rule governing Reserve Orders will be consistent with the original intention of the Exchange and the expectation of participants that such Orders, after posting on the Exchange Book, will always be liquidity providers and not liquidity takers. It would also ensure that the Exchange's Order Types operate the same way during a race condition as they do during normal conditions. The proposal would eliminate any ambiguity under the existing rules as to whether a Reserve Order would take liquidity when a locking order posts to the Exchange book prior to the Reserve Order completing its replenishment (or prior to the Displayed portion of a Reserve Order posting to the Exchange Book for the first time). Thus, the proposal would ensure that the Exchange's Rules are transparent and clear about how the System processes Reserve Orders.

Finally, the proposal is consistent with the Act because it would correct a non-substantive typographical error in the Rule text, which will improve its readability and clarity, to the benefit of the public and investors.

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. Again, Exchange intends for the proposed rule change to only eliminate an inconsistency as to how it handles a rare

[3] An Order with Reserve Size may be referred to as a ''Reserve Order.''

[4] *See* Securities Exchange Act Release No. 34–88583 (April 7, 2020), 85 FR 20533 (April 13, 2020) (SR–PHLX–2020–015).

[5] Pursuant to Equity 4, Rule 3301A(b)(1)(A), a ''Price to Comply Order'' is an Order Type designed to comply with Rule 610(d) under Regulation NMS by avoiding the display of quotations that lock or cross any Protected Quotation in a System Security during Market Hours. The Price to Comply Order is also designed to provide potential price improvement. When a Price to Comply Order is entered, the Price to Comply Order will be executed against previously posted Orders on the Exchange Book that are priced equal to or better than the price of the Price to Comply Order, up to the full amount of such previously posted Orders, unless such executions would trade through a Protected Quotation.

[6] The Exchange notes that a Reserve Order that does not execute fully upon initial order entry will behave in the same manner as described in this Proposal if the Displayed portion of the Reserve Order would lock a resting Order upon entry.

[7] If a Displayed Order posts to the Exchange Book and locks a resting Non-Displayed Order with the Trade Now attribute enabled, then consistent with the definition of Trade Now, as set forth in Equity 4, Rule 3301B(l), the Trade Now functionality would apply and the Non-Displayed Order would be able to execute against the locking Displayed Order as a liquidity taker. If a locked Non-Displayed Order does not have the Trade Now attribute enabled, then new incoming orders will be eligible to execute against the Displayed Order.

[8] The Exchange proposes to correct a non-substantive typographical error in the existing rule text by removing the word ''the'' from the following sentence: ''For example, if a Price to Comply Order with Reserve Size . . . and the 150 shares . . . .''

[9] *See* Securities Exchange Act Release No. 34–91109 (February 11, 2021), 86 FR 10141 (February 18, 2021) (SR–NASDAQ–2020–090).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

circumstance that causes the System to process Reserve Orders in an unintended manner. The Exchange does not anticipate this proposal will have any impact on competition whatsoever.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [14] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [15] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay. Waiver of the operative delay would allow the Exchange to immediately amend its Reserve Order rule to account for scenarios that may occur today and harmonize its Reserve Order rule with that of Nasdaq.[16] The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2021–11 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–2021–11. 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–Phlx–2021–11 and should be submitted on or before April 1, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05026 Filed 3–10–21; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] *See supra* note 9.

[17] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16889 and #16890; North Carolina Disaster Number NC–00124]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of North Carolina

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Carolina (FEMA–4588–DR), dated 03/03/2021.

Incident: Tropical Storm Eta.

Incident Period: 11/12/2020 through 11/15/2020.

DATES: Issued on 03/03/2021.

Physical Loan Application Deadline Date: 05/03/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 12/03/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/03/2021, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Alexander, Alleghany, Ashe, Beaufort, Burke, Caldwell, Davidson, Davie, Duplin,

Edgecombe, Hertford, Iredell, Robeson, Rowan, Sampson, Stokes, Wilkes, Wilson, Yadkin.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 16889 8 and for economic injury is 16890 0.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2021–05073 Filed 3–10–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16891 and #16892; Idaho Disaster Number ID–00082]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Idaho

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Idaho (FEMA–4589–DR), dated 03/04/2021.

Incident: Straight-line Winds.

Incident Period: 01/13/2021.

DATES: Issued on 03/04/2021.

Physical Loan Application Deadline Date: 05/03/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 12/06/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/04/2021, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Benewah, Bonner, Kootenai, Shoshone.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 16891 B and for economic injury is 16892 0.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2021–05074 Filed 3–10–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16876 and #16877; Texas Disaster Number TX–00591]

Presidential Declaration Amendment of a Major Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–4586–DR), dated 02/19/2021. Incident: Severe Winter Storms. Incident Period: 02/11/2021 through 02/21/2021.

DATES: Issued on 03/04/2021.

Physical Loan Application Deadline Date: 04/20/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 11/19/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Texas, dated 02/19/2021, is hereby amended to establish the incident period for this disaster as beginning 02/11/2021 through 02/21/2021.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2021–05072 Filed 3–10–21; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF STATE

[Public Notice: 11369]

Designation of Islamic State of Iraq and Syria—Democratic Republic of the Congo as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with sections 1(a)(ii)(A) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, Executive Order 13284 of January 23, 2003, and Executive Order 13886 of September 9, 2019, I hereby determine that the person known as Islamic State of Iraq and Syria—Democratic Republic of the Congo, also known as ISIS–DRC, also known as Allied Democratic Forces, also known as Madina at Tauheed Wau Mujahedeen, also known as City of Monotheism and Holy Warriors, also known as Islamic State Central Africa Province, also known as Wilayat Central Africa, also known as Wilayah Central Africa, also known as Wilayah Central Africa Media Office, also known as Wilayat Wasat Ifriqiyah, also known as ISIS-Central Africa, is a foreign person that has committed and poses a significant risk of committing acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render

ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Authority: E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786.

Dated: March 1, 2021.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2021–04918 Filed 3–10–21; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice 11360]

Designation of Individuals and Entities Pursuant to Executive Order 13949 and Delegation to the Under Secretary for Arms Control and International Security of Authorities in Executive Order 13949

AGENCY: Department of State.

ACTION: Notice of designations and delegation of authority.

SUMMARY: Pursuant to the authority in Section 1(a)(i) of Executive Order 13949, ''Blocking Property of Certain Persons with Respect to the Conventional Arms Activities of Iran,'' the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, has determined that the Iranian Ministry of Defense and Armed Forces Logistics (MODAFL), Iran's Defense Industries Organization (DIO), DIO Director Mehrdad Akhlaghi-Ketabchi, and Venezuela's nominal president Nicholas Maduro engage in activity that materially contributes to the supply, sale, or transfer, directly or indirectly, to or from Iran, or for the use in or benefit of Iran, of arms or related materiel, including spare parts. The Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, has additionally determined that Iran's Marine Industries Organization (MIO), Aerospace Industries Organization (AIO), and the Iran Aviation Industries Organization (IAIO), engage in activity that materially contributes to the supply, sale, or transfer, directly or indirectly, to or from Iran, or for the use in or benefit of Iran, of arms or related materiel, including spare parts. Additionally, by the virtue of the authority vested in the Secretary of State, including Section 1 of the State Department Basic Authorities Act, as amended, the Secretary delegated to the Under Secretary for Arms Control and International Security the functions conferred on the Secretary of State in Executive Order 13949 of September 21, 2020.

DATES: The Secretary of State made these designations pursuant to Executive Order 13949 on September 21, 2020 and January 15, 2021, respectively. The Secretary of State delegated to the Under Secretary for Arms Control and International Security the functions conferred on the Secretary of State in Executive Order 13949 on January 15, 2021.

FOR FURTHER INFORMATION CONTACT: Office of Counterproliferation Initiatives, Bureau of International Security and Nonproliferation, Department of State, Washington, DC 20520, tel.: 202–736–7065, or *CPI-Sanctions@state.gov.*

SUPPLEMENTARY INFORMATION: On September 21, 2020, the President, invoking the authority, inter alia, of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13949 (the ''Order''), effective on September 21, 2020. In the Order the President took additional steps with respect to the national emergency declared in Executive Order (E.O.) 12957 of March 15, 1995 to counter Iran's malign influence in the Middle East, including transfers from Iran of destabilizing conventional weapons and acquisition of arms and related materiel by Iran.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: (i) Any person determined by the Secretary of State, in consultation with the Secretary of the Treasury, to engage in any activity that materially contributes to the supply, sale, or transfer, directly or indirectly, to or from Iran, or for the use in or benefit of Iran, of arms or related materiel, including spare parts; (ii) any person determined by the Secretary of State, in consultation with the Secretary of the Treasury, to provide to Iran any technical training, financial resources or services, advice, other services, or assistance related to the supply, sale, transfer, manufacture, maintenance, or use of arms and related materiel described in subsection (a)(i) of this section; (iii) any person determined by the Secretary of State, in consultation with the Secretary of the Treasury, to have engaged, or attempted to engage, in any activity that materially contributes to, or poses a risk of materially contributing to, the proliferation of arms or related materiel or items intended for military end-uses or military end-users, including any efforts to manufacture, acquire, possess, develop, transport, transfer, or use such items, by the Government of Iran (including persons owned or controlled by, or acting for or on behalf of the Government of Iran) or paramilitary organizations financially or militarily supported by the Government of Iran; (iv) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any person whose property and interests in property are blocked pursuant to this order; or (v) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

As a result of this action, all property and interests in property of MODAFL, DIO, DIO Director Mehrdad Akhlaghi-Ketabchi, MIO, AIO, IAIO, or Nicholas Maduro that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

The delegation to the Under Secretary for Arms Control and International Security of the functions conferred on the Secretary of State in Executive Order 13949 of September 21, 2020 includes any act, executive order, regulation, or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation, or procedure as amended from time to time. Additionally, the Secretary, the Deputy Secretary, or the Deputy Secretary for Management and Resources may at any time exercise any authority or function delegated herein. Internally, the Department identified this delegation as Delegation of Authority No. 496.

Information on the designees:

Entity 1

Name: Ministry of Defense and Armed Forces Logistics
a.k.a.: Ministry of Defense and Support for Armed Forces Logistics
a.k.a.: MODAFL
a.k.a.: MODSAF

a.k.a.: Ministry of Defense for Armed Forces Logistics
a.k.a.: Ministry of Defense Armed Forces Logistics
a.k.a.: Vezarat-E Defa Va Poshtybani-E Niru-Haye Mosallah
a.k.a.: Ministry of Defence & Armed Forces Logistics
a.k.a.: Government of Iran Department of Defense
a.k.a.: Vezarate Defa
Address: Ferdowsi Avenue, Sarhang Sakhaei Street, Tehran, Iran
Address: P.O. Box 11365–8439, Pasdaran Ave. Tehran, Iran
Address: West side of Dabestan Street, Abbas Abad District, Tehran, Iran

Entity 2

Name: DEFENSE INDUSTRIES ORGANIZATION
a.k.a.: DIO
a.k.a.: DEFENCE INDUSTRIES ORGANISATION
a.k.a.: SAZEMANE SANAYE DEFA
a.k.a.: SASEMAN SANAJE DEFA
a.k.a.: SASADJA
Address: P.O. Box 19585–777, Pasdaran Street, Tehran, Iran

Entity 3

Name: AEROSPACE INDUSTRIES ORGANIZATION
a.k.a.: AIO
a.k.a.: SAZMANE SANAYE HAVA FAZA
Address: Langare Street, Nobonyad Square, Tehran, Iran

Entity 4

Name: IRAN AVIATION INDUSTRIES ORGANIZATION
a.k.a.: IAIO
a.k.a.: SAZMANE SANAYE HAVAI
Address: Karaj Special Road, Mehrabad Airport, Tehran, Iran
Address 2: Sepahbod Gharani 36, Tehran, Iran
Address 3: 3th Km Karaj Special Road, Aviation Industries Boulevard, Tehran, Iran

Entity 4

Name: MARINE INDUSTRIES ORGANIZATION
a.k.a.: MIO
Address: Pasdaran Av., P.O. Box 19585/777, Tehran, Iran

Individual 1

Name: Merhdada Akhlaghi KETABACHI
Date of birth: September 10, 1958
Gender: Male
Nationality: Iran
Passport number: A0030940 (Iran)

Individual 2

Name: Nicolas MADURO MOROS
Date of birth: November 23, 1962
Place of birth: Caracas, Venezuela
Gender: Male
Nationality: Venezuela
Cedula number: 5892464 (Venezuela)

Zachary A. Parker,

Director, Office of Directives Management.

[FR Doc. 2021–05053 Filed 3–10–21; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 11362]

Designation of Iranian Individuals

ACTION: Notice of designation.

SUMMARY: The State Department, in consultation with the Secretary of the Treasury and the Attorney General, has determined that Majid Agha'i (Majid Aghaei) and Amjad Sazgar engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern. The State Department, in consultation with the Secretary of the Treasury and the Attorney General, has additionally determined that Hamid Reza Ghadirian and Ahmad Asghari Shiva'i engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction by Iran, through activities that are contrary to Iran's JCPOA commitment that Iran will not engage in activities that could contribute to the development of a nuclear explosive device.

DATES: The Under Secretary of State for Arms Control and International Security designated Majid Agha'i and Amjad Sazgar pursuant to Executive Order 13382 on May 29, 2020. The Secretary of State designated Hamid Reza Ghadirian and Ahmad Asghari Shiva'i pursuant to Executive Order 13382 on September 21, 2020.

ADDRESSES: Office of Counterproliferation Initiatives, Bureau of International Security and Nonproliferation, Department of State, Washington, DC 20520, tel.: 202–736–7065, or *CPI-Sanctions@state.gov.*

SUPPLEMENTARY INFORMATION: On June 28, 2005, the President, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 CFR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 30, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in the Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery, including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

As a result of this action, all property and interests in property of Majid Agha'I, Amjad Sazgar, Hamid Reza Ghadirian, and Ahmad Asghari Shiva'i that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons are blocked and may not be

transferred, paid, exported, withdrawn, or otherwise dealt in.

Information on the designees:

Individual 1

Name: Majid Agha'i
Name: Majid Aghaei
Date of birth: April 13, 1984
National Identification Number: 1199310281 (Iran)
Place of Birth: Ghom, Iran
Gender: Male
Nationality: Iran
Location: Iran

Individual 2

Name: Amjad Sazgar
Date of birth: April 16, 1979
Place of Birth: Babol, Iran
Gender: Male
Nationality: Iran
Location: Iran

Individual 3

Name: Hamid Reza Ghadirian
Date of birth: September 23, 1978
Place of birth: Aran o Bigdol, Iran
Gender: Male
Nationality: Iran
National ID number: 6199152344
Location: Iran

Individual 4

Name: Ahmad Asghari Shiva'i
AKA: Ahmed Asghari Shivaei
Date of birth: March 3, 1973
Place of birth: Tehran, Iran
Gender: Male
Nationality: Iran
National ID number: 55690718
Location: Iran

Zachary A. Parker,

Director, Office of Directives Management.

[FR Doc. 2021–05057 Filed 3–10–21; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 11371]

Designation of Islamic State of Iraq and Syria—Mozambique as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with sections 1(a)(ii)(A) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, Executive Order 13284 of January 23, 2003, and Executive Order 13886 of September 9, 2019, I hereby determine that the person known as Islamic State of Iraq and Syria—Mozambique, also known as ISIS-Mozambique, also known as Islamic State—Mozambique, also known as Ansar al-Sunna, also known as Helpers of Tradition, also known as Ahl al-Sunna wa al-Jamaa, also known as Adherents to the Traditions and the Community, also known as al-Shabaab in Mozambique, also known as Islamic State Central Africa Province, also known as Wilayah Central Africa, also known as Ansaar Kalimat Allah, also known as Supporters of the Word of Allah, is a foreign person that has committed and poses a significant risk of committing acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Authority: E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786.

Dated: March 1, 2021.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2021–04920 Filed 3–10–21; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 11370]

In the Matter of the Designation of Islamic State of Iraq and Syria—Mozambique (and Other Aliases) as a Foreign Terrorist Organization

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter ''INA'') (8 U.S.C. 1189), exist with respect to Islamic State of Iraq and Syria—Mozambique, also known as ISIS-Mozambique, also known as Islamic State—Mozambique, also known as Ansar al-Sunna, also known as Helpers of Tradition, also known as Ahl al-Sunna wa al-Jamaa, also known as Adherents to the Traditions and the Community, also known as al-Shabaab in Mozambique, also known as Islamic State Central Africa Province, also known as Wilayah Central Africa, also known as Ansaar Kalimat Allah, also known as Supporters of the Word of Allah.

Therefore, I hereby designate the aforementioned organization and its aliases as a foreign terrorist organization pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**.

Authority: 8 U.S.C. 1189.

Dated: March 1, 2021.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2021–04919 Filed 3–10–21; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice 11363]

Notice of Department of State Sanctions Action Pursuant to the Iran Freedom and Counter-Proliferation Act of 2012 (IFCA)

AGENCY: Department of State.

ACTION: Notice of sanctions action.

SUMMARY: On October 19, 2020, Secretary of State Michael R. Pompeo determined that each of Reach Holding Group (Shanghai) Company Ltd., Reach Shipping Lines, Delight Shipping Co., Ltd., Gracious Shipping Co. Ltd., Noble Shipping Co. Ltd., and Supreme Shipping Co. Ltd. met the criteria for sanctions set forth in section 1244(d)(1)(A) of the Iran Freedom and Counter-Proliferation Act of 2012 (IFCA), and selected sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (ISA) to be imposed with respect to these persons.

On the same date, Secretary Pompeo also determined that Eric Chen is a principal executive officer, or person performing similar functions and with similar authorities, of Reach Holding Group (Shanghai) Company Ltd. and Reach Shipping Lines, and that Daniel Y. He is a principal executive officer, or person performing similar functions and with similar authorities, of Reach Holding Group (Shanghai) Company Ltd. for the purposes of section 6(a)(11) of ISA, and selected sanctions described in section 6(a) of ISA to be imposed with respect to these persons.

DATES: The Secretary of State's determinations and selection of certain sanctions to be imposed upon the entities and individuals identified in the **SUPPLEMENTARY INFORMATION** section were effective on October 19, 2020.

FOR FURTHER INFORMATION CONTACT: Office of Counterproliferation Initiatives, Bureau of International Security and Nonproliferation, Department of State, Washington, DC 20520, tel.: 202–736–7065, or *CPI-Sanctions@state.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 1244(d)(1)(A) of IFCA and Presidential Memorandum of June 3, 2013 (''Delegation of Certain Functions and Authorities Under the Iran Freedom and Counter-Proliferation Act of 2012''), the Secretary of State, in consultation with the Secretaries of the Treasury and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate, shall impose five or more of the sanctions described in section 6(a) of ISA with respect to a person if the Secretary of State determines that the person knowingly, on or after the date that is 180 days after the enactment of IFCA, sells, supplies, or transfers to or from Iran goods or services described in section 1244(d)(3) of IFCA, subject to certain exceptions. Goods or services described in section 1244(d)(3) of IFCA are significant goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, and the Islamic Republic of Iran Shipping Lines.

On October 19, 2020, the Secretary of State determined that each of Reach Holding Group (Shanghai) Company Ltd., Reach Shipping Lines, Delight Shipping Co., Ltd., Gracious Shipping Co. Ltd., Noble Shipping Co. Ltd. and Supreme Shipping Co. Ltd. met the criteria for the imposition of sanctions pursuant to section 1244(d)(1)(A) of IFCA.

The Secretary of State approved the imposition of the following sanctions under sections 6(a)(3), (6), (7), (8), (9) and (11) of ISA with respect to Reach Holding Group (Shanghai) Company Ltd. and Reach Shipping Lines:

- The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than $10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.
- The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest.
- The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.
- The President may, pursuant to such regulations as the President may prescribe, prohibit any person from acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the sanctioned person has any interest; dealing in or exercising any right, power, or privilege with respect to such property; or conducting any transaction involving such property.
- The President may, pursuant to such regulations as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of a sanctioned person.
- The President may impose on the principal executive officer or officers of any sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under section 6(a) of ISA.

In addition, the Secretary of State approved the imposition of the following sanctions under sections 6(a)(3), (6), (7), (8), and (9) of ISA with respect to Delight Shipping Co., Ltd., Gracious Shipping Co. Ltd., Noble Shipping Co. Ltd. and Supreme Shipping Co. Ltd.:

- The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than $10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.
- The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest.
- The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.
- The President may, pursuant to such regulations as the President may prescribe, prohibit any person from acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the sanctioned person has any interest; dealing in or exercising any right, power, or privilege with respect to such property; or conducting any transaction involving such property.
- The President may, pursuant to such regulations as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of a sanctioned person.

In addition, the Secretary of State determined that Eric Chen is a principal executive officer, or person performing similar functions and with similar authorities, of Reach Holding Group (Shanghai) Company Ltd. and Reach Shipping Lines, and that Daniel Y. He is a principal executive officer, or person performing similar functions and with similar authorities, of Reach Holding Group (Shanghai) Company Ltd. for the purposes of section 6(a)(11) of ISA, and approved the imposition of the following sanctions under sections 6(a)(3), (6), (7), (8), and (9) of ISA with respect to Eric Chen and Daniel Y. He:

- The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than $10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.
- The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest.
- The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.
- The President may, pursuant to such regulations as the President may prescribe, prohibit any person from

acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the sanctioned person has any interest; dealing in or exercising any right, power, or privilege with respect to such property; or conducting any transaction involving such property.

• The President may, pursuant to such regulations as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of a sanctioned person.

In addition, pursuant to section 6(a)(10) of ISA, the President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, a sanctioned person subject to this action.

Zachary A. Parker,

Director, Office of Directives Management.

[FR Doc. 2021–05051 Filed 3–10–21; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice:11367]

Designation of Seka Musa Baluku as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(a)(ii)(B) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, Executive Order 13284 of January 23, 2003, and Executive Order 13886 of September 9, 2019, I hereby determine that the person known as Seka Musa Baluku, also known as Musa Baluku, also known as Seka Baluku, also known as Mzee Kajaju, also known as Lumu, also known as Lumonde, also known as Makuba, is a leader of Islamic State of Iraq and Syria—Democratic Republic of the Congo, a group whose property and interests in property are blocked pursuant to a determination by the Secretary of State pursuant to Executive Order 13224.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Authority: E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786.

Dated: March 1, 2021.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2021–04914 Filed 3–10–21; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice 11361]

Designation of Individuals and Entities Pursuant to Section 1245 of the Iran Freedom and Counter-Proliferation Act (IFCA)

AGENCY: Department of State.

ACTION: Notice of designations.

SUMMARY: The Secretary of State, pursuant to authority delegated by Presidential Memorandum of June 3, 2013, (''IFCA Delegation Memorandum''), has determined that Pamchel Trading Beijing Co. Ltd., Global Industrial and Engineering Supply Ltd., Kaifeng Pingmei New Carbon Materials Technology Co., Ltd, Hafez Darya Arya Shipping Company, Jiangyin Mascot Special Steel Co., Ltd, Iran Transfo Company, Zangan Distribution Transformer Company, Accenture Building Materials, Safiran Payam Darya Shipping Company (SAPID), Islamic Republic of Iran Shipping Lines (IRISL), Mobarakeh Steel Company have engaged in sanctionable activity described in the Iran Freedom and Counter-Proliferation Act of 2012 (IFCA), and that certain sanctions are imposed as a result. The Secretary of State also determined that, for the purposes of Sections 6(a)(10) and (11), of the Iran Sanctions Act of 1996 (ISA), Majid Sajdeh is a principal executive officer or person performing similar functions and with similar authorities of Hafez Darya Arya Shipping Company, that Mohammad Reza Modarres Khiabani is a principal executive officer, or person performing similar functions and with similar authorities, of IRISL, and that Hamidreza Azimian is a principal executive officer, or person performing similar functions and with similar authorities, of Mobarakeh Steel Company, and that certain sanctions are imposed as a result.

DATES: The Secretary of State sanctioned Pamchel Trading Beijing Co. Ltd. pursuant to Section 1245(a) of IFCA on January 9, 2020; Global Industrial and Engineering Supply Ltd. on June 25, 2020; Kaifeng Pingmei New Carbon Materials Technology Co., Ltd and Hafez Darya Arya Shipping Company on January 5, 2021; and Jiangyin Mascot Special Steel Co., Ltd, Iran Transfo Company, Zangan Distribution Transformer Company, Accenture Building Materials, Safiran Payam Darya Shipping Company (SAPID), Islamic Republic of Iran Shipping Lines (IRISL), and Mobarakeh Steel Company on January 15, 2021.

FOR FURTHER INFORMATION CONTACT: Office of Counterproliferation Initiatives, Bureau of International Security and Nonproliferation, Department of State, Washington, DC 20520, tel.: 202–736–7065, or *CPI-Sanctions@state.gov.*

SUPPLEMENTARY INFORMATION: If the Secretary determines that a person has engaged in sanctionable activity under Section 1245(a) of IFCA, the Secretary is required to impose 5 of the 12 sanctions provided for in Section 6 of the ISA.

Accordingly, the Secretary of the State, in consultation with the Secretary of the Treasury and Commerce and the United States Trade Representative, and with the Secretary of Homeland Security, the President of the Export-Import Bank of the United States, and the Chairman of the Board of Governors of the Federal Reserve System and other agencies as appropriate, has determined that:

1. Pamchel Trading Beijing CO. Ltd. has engaged in sanctionable activity pursuant to Section 1245(a)(1)(C)(II) of IFCA and should be subject to the sanctions described in ISA Sections 6(a)(3), (5), (6), (7), (8), and (9).

2. Global Industrial and Engineering Supply Ltd. has engaged in sanctionable activity pursuant to Section 1245(a)(1)(C)(II) of IFCA and should be subject to the sanctions described in ISA Sections 6(a) (3), (6), (7), (8), and (9).

3. Kaifeng Pingmei New Carbon Materials Technology Co., Ltd. and Hafez Darya Arya Shipping Company have engaged in sanctionable activity pursuant to Section 1245(a)(1)(C)(II) of IFCA and should be subject to the sanctions described in ISA Sections 6(a)(3), (6), (7), (8), and (9).

4. Majid Sajdeh is a principal executive officer or person performing similar functions and with similar authorities of Hafez Darya Arya Shipping Company for the purposes of ISA Section 6(a) (10) and (11), and should be subject to the sanctions

described in ISA Sections 6(a) (3), (6), (7), (8), (9), (10), and (11).

5. Jiangyin Mascot Special Steel Co., Ltd, Iran Transfo Company, Zangan Distribution Transformer Company, Accenture Building Materials, and Safiran Payam Darya Shipping Company (SAPID) have engaged in sanctionable activity pursuant to Section 1245(a)(1)(C)(i)(II) of IFCA and should be subject to the sanctions described in ISA Sections 6(a) (3), (6), (7), (8), and (9).

6. The Islamic Republic of Iran Shipping Lines (IRISL) has engaged in sanctionable activity pursuant to Section 1245(a)(1)(C)(i)(II) of IFCA and should be subject to the sanctions described in ISA Sections 6(a) (3), (6), (7), (8), (9), and (11).

7. Mohammad Reza Modarres Khiabani is a principal executive officer, or person performing similar functions and with similar authorities, of IRISL for the purposes of ISA Section 6(a)(10) and (11), and should be subject to the sanctions described in ISA Sections 6(a) (3), (6), (7), (8), (9) and (10).

8. Mobarakeh Steel Company has engaged in sanctionable activity pursuant to Section 1245(a)(1)(C)(i)(II) of IFCA and should be subject to the sanctions described in ISA Sections 6(a) (3), (6), (7), (8), (9), and (11).

9. Hamidreza Azimian is a principal executive officer, or person performing similar functions and with similar authorities, of Mobarakeh Steel Company for the purposes of ISA Section 6(a)(10) and (11), and should be subject to the sanctions described in ISA Sections 6(a) (3), (6), (7), (8), (9), and (10).

The sanctions described above shall remain in effect until otherwise directed pursuant to the provisions of ISA, IFCA, or other applicable authority. Pursuant to the authorities delegated in the IFCA Delegation Memorandum, relevant agencies and instrumentalities of the United States Government shall take all appropriate measures within their authority to carry out the provisions of this notice. The Secretary of the Treasury is taking appropriate action to implement the sanctions for which authority has been delegated to the Secretary of the Treasury pursuant to the IFCA Delegation Memorandum and Executive Order 13846 of August 6, 2018.

Information on the designees:

Pamchel Trading Beijing Co. Ltd.

Aka: Pamchel Asia Co., Ltd
Aka: Pamchel Asia Steel Group Company Limited
Address 1: Room 328 Building 28, No. 17 Jianguomenwal Street Chaoyang District, Beijing, China
Address 2: Rm. 503, Building No. 4, Xiandaicheng District, Beijing, China
Address 3: Flat/Rm A, 9/F Silvercorp International Tower, 707–713 Nathan Road, Mongkok, Kowloon, Hong Kong

Global Industrial and Engineering Supply Ltd.

Aka: Global Industrial And Engineering Supply Limited
Aka: G.I.E.S.
Aka: GIES Group
Address 1: Unit 04, Bright Way Tower, No. 33, Mong Kok Road Kowloon, Hong Kong
Address 2: 603–3–3, Miyun Road, Nankai District, Tianjin, China
Website: giesgroup.com

Kaifeng Pingmei New Carbon Materials Technology Co., Ltd.

Aka: KFCC
Address: Biancun, East Suburbs, Shunhe District, Kaifeng Henan Province, P.R. China 475002

Hafez Darya Arya Shipping Company

Aka: Hafez-E Daryay-E Aria Shipping Lines
Aka: Hafez Darya Arya Shipping Line
Aka: Hdasco
Aka: Hdasco Shipping Company
Website: www.hdasco.com
Address: Asseman Tower, Pasdaran Street, Tehran, Iran
Address 2: No 60, Pasdaran Avenue, 7th Neyestan Street, Ehteshamiyeh Square, Tehran, Iran

Majid Sajdeh

Date of Birth: 26 January 1968
Place of Birth: Tehran, Iran
Nationality: Iran
Location: Iran

Islamic Republic of Iran Shipping Lines

Aka: IRISL
Website: www.irisl.net
Address 1: Asseman Tower, Pasdaran Street, Tehran, Iran
Address 2: P.O. Box 19395–177, Tehran, Iran
Address 3: P.O. Box 1957614114, Tehran, Iran
Address 4: No 523, Al Seman Tower Building, Tehran, Postal Code 1957617114, Iran

Mohammad Reza Modarres Khiabani

Gender: Male
Nationality: Iran
Date of Birth: July 30, 1970
Location: Iran

Jiangyin Mascot Special Steel Co., Ltd

Entity Address: No. 100 Huayuan Road, Changjing Town, Jiangyin City, Jiangsu Province, China

Iran Transfo Co.

Entity Address: 4th Km Of Zanjan-Tehran Road, Zanjan, Iran, P.O. Box 4513651118

Zangan Distribution Transformer Co.

Entity Address: 5th Km Of Zanjan-Tehran Road, Zanjan, Iran

Accenture Building Materials

Aka: Accenture Building Materials Trading LLC
Address: 106-Mohammad Noor Talib Building, Khalid Bin Al Walid Rd Bur Dubai, Dubai, U.A.E. P.O. Box No: 26685
Business License Number: 802032 (UAE)
Economic Register Number: 11114192 (UAE)

Esfahan's Mobarakeh Steel Company

Aka: Mobarakeh Steel Company
Aka: Esfahan's Mobarakeh Steel Public Joint Stock Company
Website: www.en.msc.ir
Address: P.O. Box 161–84815, Mobarakeh, Esfahan, Postal Code 11131–84881, Iran
Address 2: Mobarakeh Steel Company, Sa'adat Abad St., Azadi Sq., Esfahan, Esfahan, Iran

Hamidreza Azimian

Gender: Male
Date of Birth: 23 July 1961
Nationality: Iran
Place of Birth: Tabriz, Iran

Safiran Payam Darya Shipping Company

Aka: SAPID
Website: www.sapidshpg.com
Address: Asseman Tower, Pasdaran Street, Tehran, Iran

Zachary A. Parker,

Director, Office of Directives Management.

[FR Doc. 2021–05052 Filed 3–10–21; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 11368]

In the Matter of the Designation of Islamic State of Iraq and Syria—Democratic Republic of the Congo (and Other Aliases) as a Foreign Terrorist Organization

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and

Nationality Act, as amended (hereinafter ''INA'') (8 U.S.C. 1189), exist with respect to Islamic State of Iraq and Syria—Democratic Republic of the Congo, also known as ISIS–DRC, also known as Allied Democratic Forces, also known as Madina at Tauheed Wau Mujahedeen, also known as City of Monotheism and Holy Warriors, also known as Islamic State Central Africa Province, also known as Wilayat Central Africa, also known as Wilayah Central Africa, also known as Wilayah Central Africa Media Office, also known as Wilayat Wasat Ifriqiyah, also known as ISIS-Central Africa.

Therefore, I hereby designate the aforementioned organization and its aliases as a foreign terrorist organization pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**.

Authority: 8 U.S.C. 1189.

Dated: March 1, 2021.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2021–04915 Filed 3–10–21; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 11366]

Designation of Abu Yasir Hassan as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(a)(ii)(B) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, Executive Order 13284 of January 23, 2003, and Executive Order 13886 of September 9, 2019, I hereby determine that the person known as Abu Yasir Hassan, also known as Yaseer Hassan, also known as Abu Qasim, is a leader of Islamic State of Iraq and Syria—Mozambique, a group whose property and interests in property are blocked pursuant to a determination by the Secretary of State pursuant to Executive Order 13224.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Authority: E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786.

Dated: March 1, 2021.

Antony J. Blinken,

Secretary of State.

[FR Doc. 2021–04907 Filed 3–10–21; 8:45 am]

BILLING CODE 4710–AD–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2021–0001; Dispute Number DS597]

WTO Dispute Settlement Proceeding Regarding United States—Origin Marking Requirement (Hong Kong, China)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice with request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that Hong Kong, China has requested the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement). You can find that request at *www.wto.org* in a document designated as WT/DS597/5. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments during the course of the dispute settlement proceedings, you should submit your comment on or before April 12, 2021 to be assured of timely consideration by USTR.

ADDRESSES: USTR strongly prefers electronic submissions made the Federal eRulemaking Portal: *http://www.regulations.gov* (*Regs.gov*). Follow the instructions for submitting comments in Section III below. The docket number is USTR–2021–0001. For alternatives to submission through *Regs.gov*, please contact Sandy McKinzy at (202) 395–9483.

FOR FURTHER INFORMATION CONTACT: Assistant General Counsel Heng Loke at (202) 395–9655 or *YueHeng.Loke@ustr.eop.gov,* or Senior Associate General Counsel Leigh Bacon at (202) 395–5859 or *Leigh_Bacon@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires notice and opportunity for comment after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Pursuant to this provision, USTR is providing notice that Hong Kong, China, has requested the establishment of a dispute settlement panel pursuant to the WTO Understanding on Rules Procedures Governing the Settlement of Disputes (DSU). In normal circumstances, once the WTO establishes a dispute settlement panel, the panel typically holds its meetings in Geneva, Switzerland.

II. Major Issues Raised by Hong Kong, China

On October 30, 2020, Hong Kong, China, requested consultations with the United States concerning certain measures affecting marks of origin with respect to imported goods produced in Hong Kong, China. You can find the consultation request at *www.wto.org* in a document designated as WT/DS597/1. The United States and Hong Kong, China, held consultations on November 24, 2020. On January 14, 2021, Hong Kong, China, made its request to the WTO to establish a WTO dispute settlement panel. On February 22, 2021, the WTO established a dispute settlement panel to examine Hong Kong, China's complaint.

Hong Kong, China's panel request appears to concern measures that goods produced in Hong Kong, China, be marked to indicate that their origin is in ''China'' rather than ''Hong Kong''. These measures include Executive Order 13936 on Hong Kong Normalization, which suspends the application of Section 201(a) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5721(a)) to Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304), among other statutes; Section 304 of the Tariff Act of 1930; Part 134, Customs Regulations (19 CFR 134); Section 201(a) of the United States-Hong Kong Policy Act of 1992; and Country of Origin Marking of Products of Hong Kong, 85 FR 48551 (August 11, 2020). Hong Kong, China alleges that these measures are inconsistent with Articles I:1, IX:1, X:3(a) of the WTO General Agreement on Tariffs and Trade 1994; Articles 2(c), (d), and (e) of the WTO Agreement on Rules of Origin; and Article 2.1 of the WTO Agreement on Technical Barriers to Trade.

III. Public Comments: Requirements for Submissions

USTR invites written comments concerning the issues raised in this dispute. All submissions must be in English and sent electronically via *Regs.gov*. To submit comments via

Regs.gov, enter docket number USTR–2021–0001 on the home page and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting 'notice' under 'document type' on the left side of the search-results page, and click on the link entitled 'comment now!' For further information on using *Regs.gov*, please consult the resources provided on the website by clicking on 'How to Use *Regulations.gov*' on the bottom of the home page.

Regs.gov allows users to provide comments by filling in a 'type comment' field, or by attaching a document using an 'upload file' field. USTR prefers that you provide comments in an attached document. If a document is attached, it is sufficient to type 'see attached' in the 'type comment' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the 'type comment' field. If you need assistance uploading your comment(s), please call the *Regs.gov* helpdesk at 1–877–378–5457, Option 2.

For any comments submitted electronically that contain business confidential information (BCI), the file name of the business confidential version should begin with the characters 'BCI'. Any page containing BCI must be clearly marked 'BUSINESS CONFIDENTIAL' on the top and bottom of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific material that is BCI. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public.

Filers of submissions containing BCI also must submit a public version of their comments. The file name of the public version should begin with the character 'P'. The 'BCI' and 'P' should be followed by the name of the person or entity submitting the comments or rebuttal comments. If these procedures are not sufficient to protect BCI or otherwise protect business interests, please contact Sandy McKinzy at (202) 395–9483 to discuss whether alternative arrangements are possible.

USTR may determine that information or advice contained in a comment, other than BCI, is confidential in accordance with Section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If a submitter believes that information or advice is confidential, they must clearly designate the information or advice as confidential and mark it as 'SUBMITTED IN CONFIDENCE' at the top and bottom of the cover page and each succeeding page, and provide a non-confidential summary of the information or advice.

Pursuant to Section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding, docket number USTR–2021–0001, accessible to the public at *www.regulations.gov.* The public file will include non-confidential public comments USTR receives regarding the dispute. If a dispute settlement panel is convened, or in the event of an appeal from a panel, USTR will make the following documents publicly available at *www.ustr.gov:* The U.S. submissions and any non-confidential summaries of submissions received from other participants in the dispute. If a dispute settlement panel is convened, or in the event of an appeal from a panel, the report of the panel, and, if applicable, the report of the Appellate Body, will also be available on the website of the World Trade Organization, at *www.wto.org.*

Juan Millan,

Assistant United States Trade Representative for Monitoring and Enforcement, Office of the United States Trade Representative.

[FR Doc. 2021–05045 Filed 3–10–21; 8:45 am]

BILLING CODE 3290–F0–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Modification of Section 301 Action: Enforcement of U.S. WTO Rights in Large Civil Aircraft Dispute

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice.

SUMMARY: The U.S. Trade Representative has determined to modify the action being taken in the investigation by suspending the additional tariffs on goods of the United Kingdom for a period of four months. The suspension is in accord with a joint U.S.-UK statement that promotes a resolution of the large civil aircraft dispute.

DATES: As of 12:01 a.m. eastern standard time on March 4, 2021, the additional duties on products of the United Kingdom covered by the action taken in this investigation are suspended for a period of four months.

FOR FURTHER INFORMATION CONTACT: For questions about the investigation or this notice, contact Associate General Counsel Megan Grimball, at (202) 395–5725, or Director for Europe Michael Rogers, at (202) 395–3320.

SUPPLEMENTARY INFORMATION:

A. Proceedings in the Investigation

For background on the proceedings in this investigation, please see prior notices including: Notice of initiation, 84 FR 15028 (April 12, 2019); notice of determination and action, 84 FR 54245 (October 9, 2019); and notices of revision of action,85 FR 10204 (February 21, 2020), 85 FR 50866 (August 18, 2020), 86 FR 674 (January 6, 2021), and 86 FR 9420 (February 12, 2021).

B. Modification of Action

Section 307(a) of the Trade Act of 1974, as amended, (Trade Act) provides that the U.S. Trade Representative may modify or terminate any action subject to the specific direction, if any, of the President with respect to such action, that is being taken under section 301 if any of the conditions described in section 301(a)(2) exist. Section 301(a)(2)(B)(iv) of the Trade Act provides that the U.S. Trade Representative is not required to take action under section 301(a)(1) ''in extraordinary cases, where the taking of action . . . would have an adverse impact on the United States economy substantially out of proportion to the benefits of such action, taking into account the impact of not taking such action on the credibility of [actions taken under Section 301].''

Since its withdrawal from the European Union, the United Kingdom has demonstrated an increasing willingness to find a negotiated resolution to the disputes regarding trade in large civil aircraft. On March 4, 2021, the United States and the United Kingdom issued a Joint Statement promoting a resolution of the Large Civil Aircraft dispute:

> The United Kingdom and the United States are undertaking a four-month tariff suspension to ease the burden on industry and take a bold, joint step towards resolving the longest running disputes at the World Trade Organization.
>
> The United Kingdom ceased applying retaliatory tariffs in the Boeing dispute from January 1, 2021 to de-escalate the issue and create space for a negotiated settlement to the Airbus and Boeing disputes.
>
> The United States will now suspend retaliatory tariffs in the Airbus dispute from March 4, 2021, for four months. This will allow time to focus on negotiating a balanced settlement to the disputes, and begin seriously addressing the challenges posed by new entrants to the civil aviation market from non-market economies, such as China.
>
> This will benefit a wide range of industries on both sides of the Atlantic, and allow for

focused settlement negotiations to ensure that our aerospace industries can finally see a resolution and focus on COVID recovery and other shared goals.

Promoting a successful resolution of the dispute by suspending the additional duties provides benefits to the U.S. economy that outweigh any adverse impacts on the U.S. economy, and the suspension maintains the credibility of the Section 301 action. Accordingly, the U.S. Trade Representative has determined, in accordance with sections 307(a) and 301(a)(2)(B)(iv) of the Trade Act, to modify the action by suspending the additional duties on products of the United Kingdom for four months. The decision to modify the action takes into account the public comments received in response to prior notices issued in the investigation, as well as the advice of the interagency Section 301 Committee.

To give effect to the U.S. Trade Representative's determination, as specified in the Annex to this notice, the additional duties imposed by subheadings 9903.89.05, 9903.89.07, 9903.89.10, 9903.89.13, 9903.89.16, 9903.89.19, 9903.89.22, 9903.89.25, 9903.89.28, 9903.89.31, 9903.89.34, 9903.89.40, 9903.89.43, 9903.89.46, 9903.89.49, 9903.89.50 and 9903.89.55, and as provided by their associated subchapter notes, will not apply to products of the United Kingdom that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on March 4, 2021, and before 12:01 a.m. eastern daylight time on July 4, 2021.

Any products of the United Kingdom that were admitted into a U.S. foreign trade zone in 'privileged foreign status' as defined in 19 CFR 146.41, before 12:01 a.m. eastern standard time on March 4, 2021, will remain subject to the applicable duties in subheadings 9903.89.05, 9903.89.07, 9903.89.10, 9903.89.13, 9903.89.16, 9903.89.19, 9903.89.22, 9903.89.25, 9903.89.28, 9903.89.31, 9903.89.34, 9903.89.40, 9903.89.43, 9903.89.46, 9903.89.49, 9903.89.50 and 9903.89.55 upon entry for consumption.

Any product of the United Kingdom covered by subparagraph 2 of the Annex to this notice that is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern standard time on March 4, 2021, and before 12:01 a.m. eastern daylight time on July 4, 2021, may be admitted in any status, as applicable, as defined in 19 CFR 146, Subpart D.

The U.S. Trade Representative will continue to consider the action taken in this investigation.

Annex

Effective with respect to articles the product of the United Kingdom that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern standard time on March 4, 2021, and entered for consumption, or withdrawn from warehouse for consumption, before 12:01 a.m. eastern daylight time on July 4, 2021:

1. Note 21(a) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by deleting ''For the purposes of subheadings 9903.89.05 through 9903.89.63,'' and by inserting ''Except as provided in note 21(u) of this subdivision, for the purposes of subheadings 9903.89.05 through 9903.89.63,'' in lieu thereof.

2. Note 21 to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting in alphabetical order:

(u) The U.S. Trade Representative has determined that additional duties imposed by subheadings 9903.89.05, 9903.89.07, 9903.89.10, 9903.89.13, 9903.89.16, 9903.89.19, 9903.89.22, 9903.89.25, 9903.89.28, 9903.89.31, 9903.89.34, 9903.89.40, 9903.89.43, 9903.89.46, 9903.89.49, 9903.89.50 and 9903.89.55, and as provided by their associated subchapter notes, shall not apply to articles the product of the United Kingdom that are entered on or after 12:01 a.m. eastern standard time on March 4, 2021 and before 12:01 a.m. eastern daylight time on July 4, 2021.

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2021–05035 Filed 3–10–21; 8:45 am]

BILLING CODE 3290–F0–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Youth Access to American Jobs in Aviation Task Force; Notice of Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the Youth Access to American Jobs in Aviation Task Force (YIATF).

DATES: The meeting will be held on March 31, 2021, 9:00 a.m.–3:30 p.m. EST.

Requests to attend the meeting must be received by March 22, 2021.

Requests for accommodations to a disability must be received by March 22, 2021.

If you wish to speak during the meeting, you must submit a written copy of your remarks to FAA by March 22, 2021.

Requests to submit written materials to be reviewed during the meeting must be received no later than March 22, 2021.

ADDRESSES: Due to circumstances outside of the Federal Aviation Administration's control, the meeting will be conducted as a webinar. You can visit the YIATF internet website at: *https://www.faa.gov/about/office_org/headquarters_offices/ahr/advisory_committees/youth_aviation/.*

FOR FURTHER INFORMATION CONTACT: Ms. Aliah Duckett, Federal Aviation Administration, email at *S602YouthTaskForce@faa.gov.* Any committee-related request should be sent to the person listed in this section or by phone at 202–267–9677.

SUPPLEMENTARY INFORMATION:

I. Background

YIATF was created under the Federal Advisory Committee Act (FACA), in accordance with Section 602 of the FAA Reauthorization Act of 2018 (Pub. L. 115–254), to provide strategies and recommendations encouraging youth to pursue a career in the field of aviation and to promote organizations and programs that provide education, training, mentorship, outreach, and recruitment of youth in the aviation industry.

II. Agenda

At the meeting, the agenda will include the following topics:

- Official Statement of the Designated Federal Officer
- Welcome/Opening Remarks
- Update from Subcommittee Chairs
- Review of Action Items
- Closing Remarks

A detailed agenda will be posted on the YIATF internet website address listed in the **ADDRESSES** section at least 15 days in advance of the meeting. Copies of the meeting minutes will also be available on the YIATF internet website.

III. Public Participation

The meeting will be open to the public and members of the public who wish to attend must RSVP to the person listed in the **FOR FURTHER INFORMATION CONTACT** section with your name and affiliation. Anyone who has registered to attend will be notified in a timely manner prior to the meeting.

The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because

of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by March 22, 2021.

There will be a total of 15 minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for each commenter may be limited. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name, address, and organizational affiliation of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the Federal Aviation Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks for inclusion in the meeting records and for circulation to the YIATF members. All prepared remarks submitted on time will be accepted and considered as part of the record. Any member of the public may present a written statement to the committee at any time.

The public may present written statements to YIATF by emailing the Designated Federal Officer's address listed in the **FOR FURTHER INFORMATION CONTACT** section.

Issued in Washington, DC.

Angela O. Anderson,

Director, Regulatory Support Division, Office of Rulemaking, Federal Aviation Administration.

[FR Doc. 2021–05054 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2021–0037]

Overview of FAA Aircraft Noise Policy and Research Efforts: Request for Input on Research Activities To Inform Aircraft Noise Policy; Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of comment period.

SUMMARY: This action extends the comment period on a summary review of FAA sponsored research programs on civil aircraft noise that could potentially inform future aircraft noise policy, which was published to the **Federal Register** on January 13, 2021. The FAA invites public comment on the scope and applicability of these research initiatives to address aircraft noise.

DATES: The comment period for this review was opened on January 13, 2021, 86 FR 2722, and was scheduled to close on March 15, 2021. The comment period is extended for an additional 30 days or a total of 90 days from the original publication date in the **Federal Register** to April 14, 2021.

ADDRESSES: You may send comments identified by docket number FAA–2021–0037 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Donald Scata, Office of Environment and Energy (AEE–100), Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591. Telephone: (202) 267–0606. Email address: *NoiseResearchFRN@faa.gov.*

SUPPLEMENTARY INFORMATION: See the ''Additional Information'' section for information on how to comment on this proposal and how the FAA will handle comments received. The ''Additional Information'' section also contains related information about the docket, privacy, the handling of proprietary or confidential business information. In addition, there is information on obtaining copies of related rulemaking documents.

Background

On January 13, 2021, the FAA issued a **Federal Register** Notice (FAA–2021–0037), entitled ''Overview of FAA Aircraft Noise Policy and Research Efforts: Request for Input on Research Activities To Inform Aircraft Noise Policy.''

The FAA invites public comment on the scope and applicability of its aircraft noise research initiatives to address aircraft noise. Comments were to be received on or before March 15, 2021. Through discussions with stakeholders during public briefings on the materials presented in this notice, including discussions at Airport Community Roundtable groups, interest in extending the comment period were expressed. An extension of the comment period was requested in order to provide additional time for review of the material presented in the notice and allow for consensus comments to be submitted by community or airport roundtable organizations. To help facilitate the submission of these comments the FAA is adding an additional 30 days to the comment period until April 14, 2021.

Extension of Comment Period

The FAA has determined that extension of the comment period is consistent with the public interest, and that good cause exists for taking this action.

Accordingly, the comment period for FAA–2021–0037 is extended for for an additional 30 days or a total of 90 days from the original publication date in the **Federal Register** to April 14, 2021.

Additional Information

Comments Invited

The FAA recognizes that a range of factors may be driving concerns due to aircraft noise. However, as outlined in this notice, a broad understanding of aircraft noise and its potential impacts is needed in order to better manage and reduce concerns from aviation noise.

The FAA is inviting comments on these concerns to assist the agency in assessing how resources should be directed to better understand and manage the factors underlying the concern from aircraft noise exposure.

Comments that focus on the questions listed below will be most helpful. The more specific the comments, the more useful they will be in the FAA's considerations.

(1) What, if any, additional investigation, analysis, or research should be undertaken in each of the following three categories as described in this notice:

- Effects of Aircraft Noise on Individuals and Communities;
- Noise Modeling, Noise Metrics, and Environmental Data Visualization; and
- Reduction, Abatement, and Mitigation of Aviation Noise?

(2) As outlined in this notice, the FAA recognizes that a range of factors may be driving the increase in annoyance shown in the Neighborhood Environmental Survey results compared to earlier transportation noise annoyance surveys—including survey methodology, changes in how commercial aircraft operate, population distribution, how people live and work, and societal response to noise. The FAA requests input on the factors that may be contributing to the increase in annoyance shown in the survey results.

(3) What, if any, additional categories of investigation, analysis, or research should be undertaken to inform FAA noise policy?

Authority: National Environmental Policy Act (NEPA) 42 U.S.C. 4321 *et. seq.,* Aviation Safety and Noise Abatement Act (ASNA) 49 U.S.C. 47501 *et. seq.,* Federal Aviation Act, 49 U.S.C. 44715.

Issued in Washington, DC.

Kevin Welsh,

Director, Office of Environment and Energy.

[FR Doc. 2021–05056 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Safety Oversight and Certification Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Safety Oversight and Certification Advisory Committee (SOCAC) meeting.

SUMMARY: This notice announces a meeting of the SOCAC.

DATES: The meeting will be held on March 29, 2021, from 1:00 p.m. to 4:00 p.m. Eastern Daylight Time.

Requests to attend the meeting must be received by March 22, 2021.

Requests for accommodations to a disability must be received by March 22, 2021.

Requests to submit written materials to be reviewed during the meeting must be received no later than March 22, 2021.

ADDRESSES: The meeting will be held virtually. Members of the public who wish to observe the meeting must RSVP by emailing *9-awa-arm-socac@faa.gov.* Information on the committee and copies of the meeting minutes will be available on the FAA Committee website at *https://www.faa.gov/regulations_policies/rulemaking/committees/documents/.*

FOR FURTHER INFORMATION CONTACT: Thuy H. Cooper, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, telephone (202) 267–4715; fax (202) 267–5075; email *9-awa-arm-socac@faa.gov.* Any committee related request should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The SOCAC was created under the Federal Advisory Committee Act (FACA), in accordance with the FAA Reauthorization Act of 2018, Public Law 115–254, to provide advice to the Secretary on policy-level issues facing the aviation community that are related to FAA safety oversight and certification programs and activities.

II. Agenda

At the meeting, the agenda will cover the following topics:

- Review and Acceptance of December 1, 2020, Minutes
- Subcommittee Report
- Aviation Rulemaking Committee Activities
- FAA Updates

Additional information will be posted on the committee's website listed in the **ADDRESSES** section at least one week in advance of the meeting.

III. Public Participation

The meeting will be open to the public on a first-come, first served basis, as space is limited. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Please provide the following information: Full legal name, country of citizenship, and name of your industry association or applicable affiliation. Anyone that has registered to attend the meeting will be notified in a timely manner prior to the meeting.

The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

The FAA is not accepting oral presentations at this meeting due to time constraints. Any member of the public may present a written statement to the committee at any time by providing a copy to the Designated Federal Officer via the email listed in the **FOR FURTHER INFORMATION CONTACT** section.

Issued in Washington, DC, on March 8, 2021.

Brandon Roberts,

Executive Director, Office of Rulemaking.

[FR Doc. 2021–05060 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number DOT–OST–2014–0031]

Agency Information Collection; Activity Under OMB Review; Part 249 Preservation of Records

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS requiring certificated air carriers to preserve accounting records, consumer complaint letters, reservation reports and records, system reports of aircraft movements, etc. Also, public charter operators and overseas military personnel charter operators are required to retain certain contracts, invoices, receipts, bank records and reservation records.

DATES: Written comments should be submitted by May 10, 2021.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 OMB Approval No. 2138–0006 by any of the following methods:

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

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140,

1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access

You may access comments received for this notice at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Room E34, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–4406, Fax Number (202) 366–3383 or Email *jeff.gorham@dot.gov.*

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 2138–0006.

Title: Preservation of Air Carrier Records—14 CFR part 249.

Form No.: None.

Type of Review: Extension of a currently approved recordkeeping requirement.

Respondents: Certificated air carriers and charter operators.

Number of Respondents: 89 certificated air carriers; 280 charter operators.

Estimated Time per Response: 3 hours per certificated air carrier; 1 hour per charter operator.

Total Annual Burden: 547 hours.

Needs and Uses: Part 249 requires the retention of records such as: General and subsidiary ledgers, journals and journal vouchers, voucher distribution registers, accounts receivable and payable journals and ledgers, subsidy records documenting underlying financial and statistical reports to DOT, funds reports, consumer records, sales reports, auditors' and flight coupons, air waybills, etc. Depending on the nature of the document, the carrier may be required to retain the document for a period of 30 days to three years. Public charter operators and overseas military personnel charter operators must retain documents which evidence or reflect deposits made by each charter participant and commissions received by, paid to, or deducted by travel agents, and all statements, invoices, bills and receipts from suppliers or furnishers of goods and services in connection with the tour or charter. These records are retained for six months after completion of the charter program.

Not only is it imperative that carriers and charter operators retain source documentation, but it is critical that DOT has access to these records. Given DOT's established information needs for such reports, the underlying support documentation must be retained for a reasonable period of time. Absent the retention requirements, the support for such reports may or may not exist for audit/validation purposes and the relevance and usefulness of the carrier submissions would be impaired, since the data could not be verified to the source on a test basis.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on March 1, 2021.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2021–05014 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number DOT–OST–2014–0031]

Agency Information Collection: Activity Under OMB Review: Report of Financial and Operating Statistics for Large Certificated Air Carriers

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS collecting financial data from large certificated air carriers. Large certificated air carriers are carriers that operate aircraft with 61 seats or more, aircraft with 18,001 pounds of payload capacity or more, or operate international air services.

DATES: Written comments should be submitted by May 10, 2021.

Comments: Comments should identify the associated OMB approval #2138–0013 and Docket ID Number DOT–OST–2014–0031. Persons wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB #2138–0013, Docket—DOT–OST–2014–0031. The postcard will be date/time stamped and returned.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 by any of the following methods:

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

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-

addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without change or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access

You may access comments received for this notice at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Room E34, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–4406, Fax Number (202) 366–3383 or EMAIL *jeff.gorham@dot.gov.*

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 2138–0013.

Title: Report of Financial and Operating Statistics for Large Certificated Air Carriers.

Form No.: BTS Form 41.

Type Of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers.

Number of Respondents: 60.

Estimated Time per Response: 4 hours per schedule, an average carrier may submit 90 schedules in one year.

Total Annual Burden: 13,910 hours.

Needs and Uses: Program uses for Form 41 data are as follows:

Mail Rates

The Department of Transportation sets and updates the international and mainline Alaska mail rates based on carrier aircraft operating expense, traffic and operational data. Form 41 cost data, especially fuel costs, terminal expenses, and line haul expenses are used in arriving at rate levels. DOT revises the established rates based on the percentage of unit cost changes in the carriers' operations. These updating procedures have resulted in the carriers receiving rates of compensation that more closely parallel their costs of providing mail service and contribute to the carriers' economic well-being.

Submission of U.S. Carrier Data to ICAO

As a party to the Convention on International Civil Aviation, the United States is obligated to provide the International Civil Aviation Organization with financial and statistical data on operations of U.S. air carriers. Over 99 percent of the data filed with ICAO is extracted from the carriers' Form 41 reports.

Carrier Fitness

Fitness determinations are made for both new entrants and established U.S. domestic carriers proposing a substantial change in operations. A portion of these applications consists of an operating plan for the first year (14 CFR part 204) and an associated projection of revenues and expenses. The carrier's operating costs, included in these projections, are compared against the cost data in Form 41 for a carrier or carriers with the same aircraft type and similar operating characteristics. Such a review validates the reasonableness of the carrier's operating plan.

Form 41 reports, particularly balance sheet reports and cash flow statements play a major role in the identification of vulnerable carriers. Data comparisons are made between current and past periods in order to assess the current financial position of the carrier. Financial trend lines are extended into the future to analyze the continued viability of the carrier. DOT reviews three areas of a carrier's operation: (1) The qualifications of its management team, (2) its disposition to comply with laws and regulations, and (3) its financial posture. DOT must determine whether or not a carrier has sufficient financial resources to conduct its operations without imposing undue risk on the traveling public. Moreover, once a carrier is operating, DOT is required to monitor its continuing fitness.

Senior DOT officials must be kept fully informed as to all current and developing economic issues affecting the airline industry. In preparing financial conditions reports or status reports on a particular airline, financial and traffic data are analyzed. Briefing papers may use the same information.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on March 1, 2021.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2021–05015 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket: DOT–OST–2014–0031 BTS Paperwork Reduction Notice]

Agency Information Collection; Activity Under OMB Review; Reporting Required for International Civil Aviation Organization (ICAO)

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need and usefulness of BTS collecting supplemental data for the International Civil Aviation Organization (ICAO). Comments are requested concerning whether the supplemental reports are needed by BTS to fulfill the United States treaty obligation of furnishing financial and traffic reports to ICAO; BTS accurately estimated the reporting burden; there are other ways to enhance the quality, utility and clarity of the information collected; and there are ways to minimize reporting burden, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted by May 10, 2021.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 OMB Approval No. 2138–0039 by any of the following methods:

Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the

online instructions for submitting comments.

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access

An electronic copy of this rule, a copy of the notice of proposed rulemaking, and copies of the comments may be downloaded at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

FOR FURTHER INFORMATION CONTACT: *jeff.gorham@dot.gov,* Office of Airline Information, RTS–42, Room E34, OST–R, 1200 New Jersey Avenue Street SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 2138–0039.

Title: Reporting Required for International Civil Aviation Organization (ICAO).

Form No.: BTS Form EF.

Type of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers.

Number of Respondents: 34.

Number of Responses: 34.

Total Annual Burden: 23 hours.

Needs and Uses: As a party to the Convention on International Civil Aviation (Treaty), the United States is obligated to provide ICAO with financial and statistical data on operations of U.S. carriers. Over 99% of the data filled with ICAO is extracted from the air carriers' Form 41 submissions to BTS. BTS Form EF is the means by which BTS supplies the remaining 1% of the air carrier data to ICAO.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on March 1, 2021.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2021–05012 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number DOT–OST–2014–0031 BTS Paperwork Reduction Notice]

Agency Information Collection; Activity Under OMB Review; Report of Extension of Credit to Political Candidates—Form 183

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need and usefulness of BTS collecting reports from air carriers on the aggregated indebtedness balance of a political candidate or party for Federal office. The reports are required when the aggregated indebtedness is over $5,000 on the last day of a month.

DATES: Written comments should be submitted by May 10, 2021.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 and the associated OMB approval # 2138–0016 by any of the following methods:

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

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Bureau of Transportation Statistics, 1200 New Jersey Avenue Street SE, Washington, DC 20590–0001, (202) 366–4406.

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2138–0016.

Title: Report of Extension of Credit to Political Candidates—Form 183, 14 CFR part 374a.

Form No.: 183.

Type Of Review: Extension of a currently approved collection.

Respondents: Certificated air carriers.

Number of Respondents: 2 (Monthly Average).

Number of Responses: 24.

Estimated Time per Response: 1 hour.

Total Annual Burden: 24 hours.

Needs and Uses: The Department uses this form as the means to fulfill its obligation under the Federal Election Campaign Act of 1971 (the Act). The Act's legislative history indicates that one of its statutory goals is to prevent candidates for Federal political office from incurring large amounts of unsecured debt with regulated transportation companies (*e.g.,* airlines). This information collection allows the Department to monitor and disclose the amount of unsecured credit extended by airlines to candidates for Federal office. All certificated air carriers are required to submit this information.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on March 1, 2021.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2021–05016 Filed 3–10–21; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0114]

Agency Information Collection Activity: Statement of Marital Relationship

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 May 10, 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. 2900–0114'' 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. 2900–0114'' 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(3), 38 U.S.C. 101(31), and 38 U.S.C. 103(c).

Title: Statement of Marital Relationship (VA Form 21–4170).

OMB Control Number: 2900–0114.

Type of Review: Reinstatement of a previously approved collection.

Abstract: VA Form 21–4170 is used to gather information that is necessary to determine whether a valid common law marriage was established. The form is used by persons claiming to be common law widows/widowers of deceased veterans and by veterans and their claimed common law spouses. Benefits cannot be authorized unless a valid marriage is established.

Affected Public: Individuals or Households.

Estimated Annual Burden: 919.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 2,205.

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. 2021–05071 Filed 3–10–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0404]

Agency Information Collection Activity: Veteran's Application for Increased Compensation Based on Unemployability

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 May 10, 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. 2900–0404'' 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. 2900–0404'' 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. 1163.

Title: Veteran's Application for Increased Compensation Based on Unemployability (VA Form 21–8940).

OMB Control Number: 2900–0404.

Type of Review: Reinstatement of a previously approved collection.

Abstract: VA Form 21–8940 is used by veterans to apply for increased VA disability compensation based on the inability to secure or follow a substantially gainful occupation due to service-connected disabilities. Without this information, entitlement to individual unemployability benefits could not be determined.

This is a reinstatement only with no changes. The respondent burden has decreased due to the estimated number of receivables averaged over the past year.

Affected Public: Individuals and households.

Estimated Annual Burden: 14,707 hours.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 19,609.

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. 2021–05019 Filed 3–10–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0079]

Agency Information Collection Activity: Employment Questionnaire

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 May 10, 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. 2900–0079'' 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. 2900–0079'' 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. 501 and 5317.

Title: Employment Questionnaire (VA Form 21–4140).

OMB Control Number: 2900–0079.

Type of Review: Reinstatement of a previously approved collection.

Abstract: VA Forms 21–4140 is used to gather the necessary information to determine continued entitlement to individual unemployability. 38 CFR 3.652 provides that recipients are required to certify, when requested, that the eligibility factors which established entitlement to the benefit being paid continue to exist. Individual unemployability is awarded based on a veteran's inability to be gainfully employed due to service-connected disabilities, and entitlement may be terminated if a veteran begins working. Without information about recipients' employment, VA would not be able to determine continued entitlement to individual unemployability, and overpayments would result.

The respondent burden has decreased due to the removal of one of the forms listed within this collection. VA Form 21–4140 has not been changed; this is a reinstatement only.

Affected Public: Individuals and households.

Estimated Annual Burden: 247 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,960.

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. 2021–05048 Filed 3–10–21; 8:45 am]

BILLING CODE 8320–01–P

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