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Contents

Federal Register

Vol. 86, No. 48

Monday, March 15, 2021

Agency for Healthcare Research and Quality
NOTICES
Request for Information:
Use of Clinical Algorithms That Have the Potential to Introduce Racial/Ethnic Bias into Healthcare Delivery; Correction, 14327

Agriculture Department
See Animal and Plant Health Inspection Service
See Rural Utilities Service

Animal and Plant Health Inspection Service
NOTICES
List of Regions Affected with African Swine Fever:
Addition of the Democratic Republic of Timor-Leste, 14301
Proposed Revision to Import Requirements for the Importation of Fresh Sand Pears from the Republic of Korea into the United States, 14301–14302

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Quarterly Survey of Plant Capacity Utilization, 14304–14305
Vehicle Inventory and Use Survey, 14305–14306

Centers for Disease Control and Prevention
NOTICES
Meetings:
Advisory Committee on Immunization Practices, 14328–14329
CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment; Correction, 14327
Lead Exposure and Prevention Advisory Committee, 14327–14328

Centers for Medicare & Medicaid Services
NOTICES
Medicare Program:
Approved Renewal of Deeming Authority of the National Committee for Quality Assurance for Medicare Advantage Health Maintenance Organizations and Preferred Provider Organizations, 14329–14331

Civil Rights Commission
NOTICES
Meetings:
Hawai'i Advisory Committee, 14304
Maryland Advisory Committee, 14304

Coast Guard
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14332–14334
Charter Renewal:
Prince William Sound Regional Citizens' Advisory Council, 14334–14335

Commerce Department
See Census Bureau
See Economic Development Administration
See Foreign-Trade Zones Board
See Industry and Security Bureau
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration

Corporation for National and Community Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14318–14319

Economic Development Administration
NOTICES
Petitions by Firms for Determination of Eligibility to Apply for Trade Adjustment Assistance, 14306–14307

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Connecticut; Definitions of Emergency and Emergency Engine, 14299–14300
Approval and Promulgation of Implementation Plans:
Utah; Source Category Exemptions Revisions, 14297–14299

Farm Credit System Insurance Corporation
NOTICES
Meetings:
Farm Credit System Insurance Corporation Board, 14325

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus Helicopters, 14238–14241
The Boeing Company Airplanes, 14241–14244
Special Conditions:
Airbus Model A321neo ACF Airplane; Dynamic Test Requirements for Single-Occupant Oblique (Side-Facing) Seats with 3-point Restraints, 14234–14237
B/E Aerospace, Bombardier Model CL–600–2B16 (604 Variant) Airplane; Seats with Pretensioner Restraint Systems, 14231–14232
Boeing Commercial Airplanes Model 777–9 Airplanes; Structure-Mounted Airbags, 14229–14231
Rockwell Collins, Bombardier Model BD–100–1A10 Airplane; Electronic-System Security Protection from Unauthorized External Access, 14237–14238
Rockwell Collins, Bombardier Model BD–100–1A10 Airplane; Electronic-System Security Protection from Unauthorized Internal Access, 14233–14234
PROPOSED RULES
Airspace Designations and Reporting Points:
Craig, AK, 14295–14297
Vicinity of Manistee, MI, 14293–14295
Airworthiness Directives:
Airbus Helicopters, 14281–14283, 14290–14293
BAE Systems (Operations) Limited Airplanes, 14283–14285

Carson Helicopters, Inc.; Croman Corporation; Sikorsky Aircraft Corporation; and Siller Helicopters, 14285–14289
Erickson Air-Crane Incorporated Model S–64E and S–64F Helicopters, 14289–14290
Sikorsky Aircraft Corporation (Sikorsky) Helicopters, 14293
NOTICES
Petition for Exemption; Summary:
AirNet II, LLC, 14359

Federal Emergency Management Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Fire Academy Long-Term Evaluation Form for Supervisors and National Fire Academy Long-Term Evaluation Form for Students/Trainees, 14335–14336

Federal Energy Regulatory Commission
NOTICES
Application:
Duke Energy Carolinas, LLC, 14323–14324
Combined Filings, 14321–14325
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:
BigBeau Solar, LLC, 14323
Meetings:
Modernizing Electricity Market Design; Technical Conference, 14320–14321
Request under Blanket Authorization and Establishing Intervention and Protest Deadline:
Southern Natural Gas Co., LLC, 14319–14320

Federal Railroad Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14359–14360

Federal Reserve System
NOTICES
Changes in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 14326
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 14325–14326

Foreign-Trade Zones Board
NOTICES
Application for Reorganization under Alternative Site Framework:
Foreign-Trade Zone 158, Vicksburg/Jackson, MS; Expansion of Service Area, 14307

General Services Administration
NOTICES
Relocation Allowances:
Waiver of Certain Federal Travel Regulation Provisions during the COVID–19 Pandemic, 14326–14327

Health and Human Services Department
See Agency for Healthcare Research and Quality
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See National Institutes of Health

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
See U.S. Citizenship and Immigration Services
See U.S. Customs and Border Protection
RULES
Inadmissibility on Public Charge Grounds: Implementation of Vacatur, 14221–14229

Industry and Security Bureau
NOTICES
Risks in the Semiconductor Manufacturing and Advanced Packaging Supply Chain; Request for Public Comments, 14308–14309

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14361–14362

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Hot-Rolled Steel Flat Products from Australia, 14313
Certain Steel Nails from the Sultanate of Oman, 14309–14311
Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan, 14311–14313

International Trade Commission
NOTICES
Complaint:
Certain LED Landscape Lighting Devices and Components Thereof, 14337–14338
Investigations; Determinations, Modifications, and Rulings, etc.:
Common Alloy Aluminum Sheet from Brazil, Greece, and Korea, 14338
Metal Lockers from China, 14338–14339

Justice Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14339–14340

Labor Department
See Occupational Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Agreement and Undertaking, 14340
Certificate of Medical Necessity, 14341–14342
Representative Payee Report, Representative Payee Report (Short Form), and Physician's/Medical Officer's Statement, 14341

Legal Services Corporation
NOTICES
Funding Availability:
Basic Field Grant Awards; Calendar Year 2022; Request for Proposals, 14344–14345

National Aeronautics and Space Administration
RULES
Federal Civil Monetary Penalties Inflation Adjustment for 2021, 14244–14245

National Endowment for the Humanities
NOTICES
Meetings:
Humanities Panel, 14345–14347

National Foundation on the Arts and the Humanities
See National Endowment for the Humanities

National Institute of Standards and Technology
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Associates Information System, 14313–14314
Generic Clearance for Decision Science Data Collections, 14314–14315

National Institutes of Health
NOTICES
Grant of an Exclusive Patent License:
Development, Production, and Commercialization of Ebola Neutralizing Single Monoclonal Antibody for the Treatment of Ebola Virus Disease in Humans, 14331–14332
Prospective Grant of an Exclusive Patent License:
Engineered Tumor Infiltrating Lymphocytes for Cancer Therapy; Correction, 14331

National Labor Relations Board
PROPOSED RULES
Jurisdiction—Nonemployee Status of University and College Students Working in Connection with Their Studies, 14297

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
Gulf of Mexico Fishery Management Council, 14317
Mid-Atlantic Fishery Management Council, 14318
North Pacific Fishery Management Council, 14318
South Atlantic Fishery Management Council, 14315
Proposed Boundary Expansion:
Narragansett Bay National Estuarine Research Reserve, 14315–14316
Review of Nomination:
Lake Erie Quadrangle National Marine Sanctuary, 14316–14317

Nuclear Regulatory Commission
NOTICES
Exemption; Issuance:
Issuance of Multiple Exemptions in Response to COVID–19 Public Health Emergency, 14347–14348

Occupational Safety and Health Administration
NOTICES
Application for Expansion of Recognition:
TUV Rheinland of North America, Inc., 14342–14344
Meetings:
Maritime Advisory Committee, 14344

Pension Benefit Guaranty Corporation
RULES
Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits, 14280

Rural Utilities Service
NOTICES
Environmental Impact Statements; Availability, etc.:
NextEra Energy Resources; Public Scoping Meeting, 14302–14304

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 14355–14356
Self-Regulatory Organizations; Proposed Rule Changes:
MIAX PEARL, LLC, 14348–14351
Nasdaq PHLX, LLC, 14352–14355
NYSE Arca, Inc., 14351, 14356–14358

Small Business Administration
NOTICES
Major Disaster Declaration:
Louisiana, 14358–14359

Transportation Department
See Federal Aviation Administration
See Federal Railroad Administration
See Transportation Statistics Bureau

Transportation Statistics Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Submission of Audit Reports, 14360–14361

Treasury Department
See Internal Revenue Service

U.S. Citizenship and Immigration Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Replacement/Initial Nonimmigrant Arrival-Departure Document, 14336–14337

U.S. Customs and Border Protection
RULES
Mandatory Advance Electronic Information for International Mail Shipments, 14245–14280

Veterans Affairs Department
NOTICES
Meetings:
Special Medical Advisory Group, 14362

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

8 CFR
103.....14221
106.....14221
212.....14221
213.....14221
214.....14221
245.....14221
248.....14221

14 CFR
25 (5 documents) 14229, 14231, 14233, 14234, 14237
39 (2 documents) 14238, 14241
1264.....14244
1271.....14244

Proposed Rules:
39 (6 documents) 14281, 14283, 14285, 14289, 14290, 14293
71 (2 documents) 14293, 14295

19 CFR
4.....14245
122.....14245
123.....14245
145.....14245
149.....14245

29 CFR
4044.....14280

Proposed Rules:
103.....14297

40 CFR

Proposed Rules:
52 (2 documents) 14297, 14299

Rules and Regulations

Federal Register
Vol. 86, No. 48
Monday, March 15, 2021

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.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 103, 106, 212, 213, 214, 245, and 248

RIN 1615–AA22

Inadmissibility on Public Charge Grounds; Implementation of Vacatur

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Final rule.

SUMMARY: This final rule removes the regulations resulting from a final rule issued in August 2019, which has since been vacated by a Federal district court.

DATES: This rule is effective on March 9, 2021, as a result of the district court's vacatur.

FOR FURTHER INFORMATION CONTACT: Mark Phillips, Residence and Naturalization Division Chief, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone 240–721–3000.

SUPPLEMENTARY INFORMATION:

I. Background and Basis for Removal of Regulations

In August 2019, the U.S. Department of Homeland Security (DHS) issued a final rule titled, *Inadmissibility on Public Charge Grounds.*[1] The rule was preliminarily enjoined by courts in the Southern District of New York, District of Maryland, Northern District of California, Eastern District of Washington, and Northern District of Illinois.[2] Following a series of stays of the preliminary injunctions,[3] DHS began applying the rule on February 24, 2020. Since that time, preliminary injunctions against the rule have been affirmed by the Second, Seventh, and Ninth Circuit Courts of Appeals.[4] On November 2, 2020, the U.S. District Court for the Northern District of Illinois issued a Rule 54(b) judgment vacating the rule on the merits.[5] On November 3, 2020, the Seventh Circuit granted an administrative stay of the district court's judgment and, on November 19, 2020, the Seventh Circuit granted a stay pending appeal. On March 9, 2021, DHS moved to dismiss its appeal before the Seventh Circuit, and the Seventh Circuit dismissed the appeal and the Rule 54(b) judgment went into effect. DHS is now implementing the judgment, *i.e.,* the vacatur of the August 2019 rule.

This rule removes from the *Code of Federal Regulations* (CFR) the regulatory text that DHS promulgated in the August 2019 rule and restores the regulatory text to appear as it did prior to the issuance of the August 2019 rule.[6] This rule also removes regulatory text that DHS initially promulgated in 8 CFR part 103 as part of the August 2019 rule, but later moved to 8 CFR part 106 in the August 2020 final rule entitled *U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements* (2020 USCIS fee rule).[7] Although the regulatory text was moved as part of the 2020 USCIS fee rule, the content of the regulatory text was first issued in the August 2019 rule that has now been vacated.

Because this rule simply implements the district court's vacatur of the August 2019 rule, as a consequence of which the August 2019 rule no longer has any legal effect, DHS is not required to provide notice and comment or delay the effective date of this rule. Moreover, good cause exists here for bypassing any otherwise applicable requirements of notice and comment and a delayed effective date. Notice and comment and a delayed effective date are unnecessary for implementation of the court's order vacating the rule and would be impracticable and contrary to the public interest in light of the agency's immediate need to implement the now-effective final judgment. *See* 5 U.S.C. 553(b)(B), (d). DHS has concluded that each of those three reasons—that notice and comment and a delayed effective date are unnecessary, impracticable, and contrary to the public interest—independently provides good cause to bypass any otherwise applicable requirements of notice and comment and a delayed effective date.

II. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (''PRA''), DHS is required to submit to the Office of Management and Budget (OMB), for review and approval, collections of information and changes to collections of information.[8] Table 1 below lists all collections of information impacted by the vacatur.

[1] *See* 84 FR 41292 (Aug. 14, 2019); *see also* 84 FR 52357 (Oct. 2, 2019) (making corrections).

[2] *See City and Cnty. of San Francisco* v. *USCIS,* 408 F. Supp. 3d 1057 (N.D. Cal. 2019); *Cook County, Ill.* v. *McAleenan,* 417 F. Supp. 3d 1008 (N.D. Ill. 2019); *Casa de Md.* v. *Trump,* 414 F. Supp. 3d 760 (D. Md. 2019) *Make the Road New York* v. *Cuccinelli,* 419 F. Supp. 3d 647 (S.D.N.Y. 2019); *Wash.* v. *DHS,* 408 F. Supp. 3d 1191 (E.D. Wash. 2019).

[3] *See Wolf* v. *Cook County,* 140 S. Ct. 681 (2020) (staying preliminary injunction from the Northern District of Illinois); *DHS* v. *New York,* 140 S. Ct. 599 (2020) (staying preliminary injunctions from the Southern District of New York); *City and Cnty. of San Francisco* v. *USCIS,* 944 F.3d 773 (9th Cir. 2019) (staying preliminary injunctions from the Eastern District of Washington and Northern District of California); *CASA de Md.* v. *Trump,* No. 19–2222 (4th Cir. Dec. 9, 2019) (staying preliminary injunction from the District of Maryland).

[4] *See New York* v. *DHS,* 969 F.3d 42 (2d Cir. 2020); *Cook County, Ill.* v. *Wolf,* 962 F.3d 208 (7th Cir. 2020); *City and Cnty. of San Francisco* v. *USCIS,* 981 F.3d 742 (9th Cir. 2020); *see also Casa de Md.* v. *Trump,* 981 F.3d 311 (4th Cir. 2020) (granting *en banc* review and vacating a panel opinion that had reversed a preliminary injunction). In July 2020, the Southern District of New York issued a second preliminary injunction against the rule for reasons related to the COVID–19 pandemic, which the Second Circuit later stayed. *See New York* v. *DHS,* 475 F. Supp. 3d 208 (S.D.N.Y. 2020), *injunction stayed,* 974 F.3d 210 (2d Cir. 2020).

[5] *See Cook County, Ill.* v. *Wolf,* No. 19–C–6334, 2020 WL 6393005 (N.D. Ill. Nov. 2, 2020).

[6] DHS notes that it has maintained changes that DHS made to the same regulations via other rulemakings that post-dated the August 2019 rule. For instance, on July 31, 2020, DHS published a rule revising the section heading for 8 CFR 103.6 to read, ''Immigration Bonds.'' *See* 85 FR 45968, 45989 (July 31, 2020). DHS has maintained that section heading here, because it was made by a rule that has not been vacated. Similarly, on May 14, 2020, DHS published an interim final rule that revised the authority citation for 8 CFR part 212. *See* 85 FR 29264, 29311 (May 14, 2020). DHS has maintained that authority citation here.

[7] *See* 85 FR 46788 (Aug. 3, 2020). The 2020 USCIS fee rule is currently the subject of two preliminary injunctions. *See Immigr. Leg. Res. Ctr.* v. *Wolf,* No. 20–cv–05883–JSW, 2020 WL 5798269 (N.D. Cal. Sept. 29, 2020); *Nw. Immigr. Rights Proj.* v. *USCIS,* No. 19–3283, 2020 WL 5995206 (Oct. 8, 2020).

[8] *See* Public Law 104–13, 109 Stat. 163 (May 22, 1995) codified at 44 U.S.C. 3501 *et seq.*

TABLE 1—SUMMARY OF FORMS

Form	Form name	Change	General purpose of form	General categories filing	Nexus to August 2019 rule
I–944	Declaration of Self-Sufficiency.	Discontinue	This form was used to demonstrate that an alien is not likely to become a public charge.	Applicants for adjustment of status who are subject to the public charge ground of inadmissibility.	This form was the primary basis for determining whether an applicant is inadmissible on the public charge ground (8 U.S.C. 1182(a)(4), as it asked questions about the factors considered in a public charge inadmissibility determination under the August 2019 rule. Because of the vacatur and removal of the August 2019 rule, USCIS will no longer use this information collection.
I–356	Request for Cancellation of a Public Charge Bond.	Discontinue	This form was used to request cancellation of the bond that was submitted on Form I–945, Public Charge Bond, on behalf of an alien.	An obligor who posted Form I–945 on the alien's behalf or an alien who posted Form I–945 on his or her own behalf, and who sought to cancel Form I–945 because the alien had permanently departed the United States, naturalized, or died; the obligor or the alien sought cancellation of the bond following the alien's fifth anniversary of admission to the United States as a lawful permanent resident; or the alien, following the initial grant of lawful permanent resident status, obtains an immigration status that was exempt from the public charge ground of inadmissibility.	This form was used to seek cancellation of the Form I–945, Public Charge Bond. Because of the vacatur and removal of the August 2019 rule USCIS will no longer use this information collection.
I–945	Public Charge Bond.	Discontinue	This form was the public charge bond contract between USCIS and the obligor.	For applicants for adjustment of status inadmissible only based on the public charge ground and who were permitted to post a public charge bond. The form was completed by the obligor, who posted the bond on the alien's behalf (or by an alien who posted the bond on his or her own behalf).	If an alien seeking adjustment of status had been found inadmissible under the public charge ground, he or she may have been admitted to the United States upon the posting of a suitable and proper bond at the discretion of DHS. Because of the vacatur and removal of the August 2019 rule USCIS will no longer use this information collection.
I–485	Application to Register Permanent Residence or Adjust Status.	Update—removes questions and instructions that clarified what categories need to file Form I–944.	This form is used by aliens present in the United States to obtain lawful permanent resident status.	For aliens applying for adjustment of status, including: Immediate relatives (spouses, children, and parents of U.S. citizens) Family-based immigrants (principal beneficiaries and their dependents) Employment-based immigrants (principal beneficiaries and their dependents) Those who entered as K nonimmigrants (Fiance(e)s or certain spouses of U.S. citizens, and their children) who are seeking lawful permanent resident status based on the primary beneficiary's marriage to the U.S. citizen petitioner.	Adjustment of status applicants generally must be admissible to the United States, and must demonstrate that they are not inadmissible under any of the grounds in section 212(a), including public charge. However, because of the vacatur and removal of the 2019 rule, and the discontinuation of Form I–944 USCIS will no use these elements of the information collection.
I–864	Affidavit of Support Under Section 213A of the INA.	Update—reference to Form I–864W, which is being reinstated.	Statement/contract provided by a sponsor to show that the sponsor has adequate financial resources to support the alien.	Most family-based immigrants and some employment-based immigrants must have a sponsor submit this form.	Since the Form I–864W is being reinstated, USCIS will include references to that form on the Form I–864.
I–864EZ	Affidavit of Support Under Section 213A of the Act.	Update—reference to Form I–864W, which is being reinstated.	Statement/contract provided by sponsor to show that the sponsor has adequate financial resources to support the alien. This is a simpler version of Form I–864.	The sponsor is the person who filed or is filing Form I–130, Petition for Alien Relative, for a relative being sponsored; the relative the sponsor is sponsoring is the only person listed on Form I–130; and the income the sponsor is using to qualify is based entirely on the sponsor's salary or pension and is shown on one or more Internal Revenue Service (IRS) Form W–2s provided by the sponsor's employers or former employers.	Since the Form I–864W is being reinstated, USCIS needs to include references to that form on the Form I–864EZ.

TABLE 1—SUMMARY OF FORMS—Continued

Form	Form name	Change	General purpose of form	General categories filing	Nexus to August 2019 rule
I–864W	Request for Exemption for Intending Immigrant's Affidavit of Support.	Reinstate	Certain classes of immigrants are exempt from the Form I–864 requirement and therefore must file Form I–864W instead.	Aliens who have earned 40 quarters of SSA coverage. Children who will become U.S. citizens upon entry or adjustment into the United States under INA 320. Self-Petitioning Widow(er) Form I–360, Petition for Amerasian, Widow(er) or Special Immigrant; Self-Petitioning bettered spouse or child.	Because of the vacatur and removal of the 2019 rule and the rollback of the associated changes to Form I–485, Form I–864W is being reinstated.
I–129	Petition for Nonimmigrant Worker.	Update—removes questions and instructions about receipt of public benefits.	This form is issued by an employer to petition USCIS for an alien beneficiary to come temporarily to the United States as a nonimmigrant to perform services or labor, or to receive training. This form is also used by employers to apply for extension of stay and change of status on behalf of nonimmigrants.	• E–2 CNMI—treaty investor exclusively in the Commonwealth of the Northern Mariana Islands (CNMI). • H–1B—specialty occupation worker; an alien coming to perform services of an exceptional nature that relate to a U.S. Department of Defense-administered project; or a fashion model of distinguished merit and ability. • H–2A—temporary agricultural worker. • H–2B—temporary nonagricultural worker. • H–3—trainee ..... • L–1—intracompany transferee ..... • O–1—alien of extraordinary ability in arts, science, education, business, or athletics. • O–2—accompanying alien who is coming to the United States to assist in the artistic or athletic performance of an O–1 artist or athlete. • P–1—major league sports ..... • P–1—internationally recognized athlete/entertainment group. • P–1S—essential support personnel for a P–1. • P–2—artist/entertainer in reciprocal exchange program. • P–2S—essential support personnel for a P–2. • P–3—artist/entertainer coming to the United States to perform, teach, or coach under a program that is culturally unique. • P–3S—essential support personnel for a P–3. • Q–1—alien coming temporarily to participate in an international cultural exchange program. Extension of Status. • E–1—treaty trader ..... • E–2—treaty investor (not including E–2 CNMI treaty investors.). • E–3—Free Trade Agreement professionals from Australia. Free Trade Nonimmigrants—. • H–1B1 specialty occupation workers from Chile or Singapore and TN professionals from Canada or Mexico. • R–1—religious worker	Because of the vacatur and removal of the 2019 rule, USCIS is removing the public benefit condition information collection elements from Form I–129. As a condition of granting extension of stay and change of status, the applicant no longer must show that he or she has not received, since obtaining the nonimmigrant status he or she is seeking to extend or change public benefits, as defined in former 8 CFR 212.21(b), for more than 12 months in the aggregate, within a 36-month period.
I–129CW	Petition for a CNMI-Only Nonimmigrant Transitional Worker.	Update—removes questions and instructions about receipt of public benefits.	This form is used by an employer to request an extension of stay or change of status for a temporary worker in the Commonwealth of the Northern Mariana Islands (CNMI).	This form is used by an employer to request an extension of stay or change of status for an alien in the Commonwealth of the Northern Mariana Islands (CNMI) temporarily to perform services or labor as a CW–1, CNMI-Only Transitional Worker.	Because of the vacatur and removal of the 2019 rule, USCIS is removing the public benefit condition information collection elements from Form I–129CW. As a condition of granting extension of stay and change of status, the applicant no longer must show that he or she has not received, since obtaining the nonimmigrant status he or she is seeking to extend or change public benefits, as defined in former 8 CFR 212.21(b), for more than 12 months in the aggregate within a 36-month period.

TABLE 1—SUMMARY OF FORMS—Continued

Form	Form name	Change	General purpose of form	General categories filing	Nexus to August 2019 rule
I–539	Application to Extend/Change Nonimmigrant Status.	Update—removes questions and instructions about receipt of public benefits for principal aliens.	This form is used by certain nonimmigrants (principal filers) to apply for an extension of stay or change of status. In certain circumstances, this form may be used as an initial nonimmigrant status, or reinstatement of F–1 or M–1 status (students).	CNMI residents applying for an initial grant of status; Student (F) and vocational students (M) applying for reinstatement; and Persons seeking V nonimmigrant status or an extension of stay as a V nonimmigrant (spouse or child of a lawful permanent resident who filed a petition on or before December 21, 2000).	Because of the vacatur and removal of the 2019 rule, USCIS is removing the public benefit condition information collection elements from Form I–539. As a condition of granting extension of stay and change of status, the applicant no longer must show that he or she has not received since obtaining the nonimmigrant status he or she is seeking to extend or from which he or she is seeking to change public benefits, as defined in former 8 CFR 212.21(b), for more than 12 months in the aggregate within a 36-month period
I–539A		Update—removes questions and instructions about receipt of public benefits by co-applicants of I–539 applicants.	This form is used by certain nonimmigrants (co-applicants of the primary I–539 applicants) to apply for an extension of stay or change of status.	Co-Applicants of I–539 principal filers	Because of the vacatur and removal of the 2019 rule, USCIS is removing the public benefit condition information collection elements from Form I–539. As a condition of granting extension of stay and change of status, the co-applicant no longer must show that he or she has not received, since obtaining the nonimmigrant status he or she is seeking to extend or from which he or she is seeking to change, public benefits, as defined in former 8 CFR 212.21(b), for more than 12 months in the aggregate within a 36-month period.
I–912	Request for Fee Waiver.	Update—removes a notice that a request for a fee waiver may be a factor in the public charge determination.	This form may be filed with certain USCIS benefit requests in order to request a fee waiver.	Certain Form I–485 applicants, generally those who are not subject to the public charge ground of inadmissibility and those applying under certain humanitarian programs, may request a fee waiver on Form I–912. Applicants for E–2 CNMI investor nonimmigrant status under 8 CFR 214.2(e)(23) filing Form I–129 or Form I–539 may request a fee waiver.	Because of the vacatur and removal of the 2019 rule, USCIS is removing the notice from the Form I–912 instructions because a request of a fee waiver is no longer a factor in the determination of public charge inadmissibility.

To conform with the requirements set forth by the PRA, USCIS requested and received emergency approval from OMB to take the following actions on certain collections on information as required by the vacatur of the August 2019 rule.

USCIS Form I–944

(1) *Type of Information Collection Request:* Discontinuation of a currently approved form.

(2) *Title of the Form/Collection:* Declaration of Self-Sufficiency.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–944; USCIS.

(4) *Affected public who were asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–944 would have been used by an individual to demonstrate that he or she is not inadmissible based on the public charge ground.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* With the discontinuation of this information collection, there will be no respondents or hour burden per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There will be no public hour burden.

(7) *An estimate of the total public burden (in cost) associated with the collection:* There will be no public cost burden.

USCIS Form I–356

(1) *Type of Information Collection Request:* Discontinuation of a currently approved form.

(2) *Title of the Form/Collection:* Request for Cancellation of Public Charge Bond.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–356; USCIS.

(4) *Affected public who were asked or required to respond, as well as a brief abstract: Primary:* Individuals or household, business or other for profits. Respondents would have use this form to request cancellation of the public charge bond that was submitted on Form I–945 on behalf of someone who is not a citizen of the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* With the discontinuation of this information collection, there will be no respondents or hour burden per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There will be no public hour burden.

(7) *An estimate of the total public burden (in cost) associated with the collection:* There will be no public cost burden.

USCIS Form I–945

(1) *Type of Information Collection Request:* Discontinuation of a currently approved form.

(2) *Title of the Form/Collection:* Public Charge Bond.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–945; USCIS.

(4) *Affected public were asked or required to respond, as well as a brief abstract: Primary:* Individuals or households, business or other for profit. This public charge bond would have been posted as security for performance and fulfillment of the financial obligations of a bonded individual, who is not a U.S. citizen, to the U.S. Government.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* With the discontinuation of this information collection, there will be no respondents or hour burden per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There will be no public hour burden.

(7) *An estimate of the total public burden (in cost) associated with the collection:* There will be no public cost burden.

USCIS Form I–485

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application to Register Permanent Residence or Adjust Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–485; Supplement A; and Supplement J; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The information collected is used to determine eligibility to adjust status.

(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–485 is 578,708 and the estimated hour burden per response is 6.254 hours. The estimated total number of respondents for the information collection Supplement A is 29,213 and the estimated hour burden per response is 1.25 hours. The estimated total number of respondents for the information collection Supplement J is 37,358 and the estimated hour burden per response is one hour. The estimated total number of respondents for the information collection of Biometrics is 578,708 and the estimated hour burden per response is 1.17 hours.

(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 4,370,202 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 $198,496,844.

USCIS Forms I–864; I–864A; I–864EZ; I–864W

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Affidavit of Support Under Section 213A of the INA; Contract Between Sponsor and Household Member; Affidavit of Support under Section 213 of the Act.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–864; Form I–864A; Form I–864EZ; and I–864W USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–864. USCIS uses the data collected on Form I–864 to determine whether the sponsor has the ability to support the sponsored alien under section 213A of the Immigration and Nationality Act. This form standardizes evaluation of a sponsor's ability to support the sponsored alien and ensures that basic information required to assess eligibility is provided by petitioners. Form I–864A. Form I–864A is a contract between the sponsor and the sponsor's household members. It is only required if the sponsor used income of his or her household member(s) to reach the required 125 percent of the Federal poverty guidelines. The contract holds these household members jointly and severally liable for the support of the sponsored immigrant. The information collection required on Form I–864A is necessary for public benefit agencies to enforce the Affidavit of Support in the event the sponsor used income of his or her household members to reach the required income level and the public benefit agencies are requesting reimbursement from the sponsor. Form I–864EZ. USCIS uses Form I–864EZ in exactly the same way as Form I–864; however, USCIS collects less information from the sponsors as less information is needed from those who qualify in order to make a thorough adjudication. Form I–864W. USCIS uses Form I–864W to determine whether the intending immigrant meets the criteria for exemption from INA section 213A requirements. This form collects the immigrant's basic information, such as name and address, the reason for the exemption, and accompanying documentation in support of the immigrant's claim that they are not subject to INA section 213A.

(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–864 is 453,345 and the estimated hour burden per response is 6 hours. The estimated total number of respondents for the information collection I–864A is 215,800 and the estimated hour burden per response is 1.75 hours. The estimated total number of respondents for the information collection I–864EZ is 100,000 and the estimated hour burden per response is 2.5 hours. The estimated total number of respondents for the information collection I–864W is 98,119 and the estimated hour burden per response is 1 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 3,445,839 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 $159,608,680.

USCIS Form I–129

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Nonimmigrant Worker.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–129; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. USCIS uses the data collected on this form to determine eligibility for the requested nonimmigrant petition and/or requests to extend or change nonimmigrant status. An employer (or agent, where applicable) uses this form to petition USCIS for an alien to temporarily enter as a nonimmigrant. An employer (or agent, where applicable) also uses this form to request an extension of stay or change of status on behalf of the alien worker. The form serves the purpose of standardizing requests for nonimmigrant workers and ensuring that basic information required for

assessing eligibility is provided by the petitioner while requesting that beneficiaries be classified under certain nonimmigrant employment categories. It also assists USCIS in compiling information required by Congress annually to assess effectiveness and utilization of certain nonimmigrant classifications.

(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–129 is 294,751 and the estimated hour burden per response is 2.34 hours. The estimated total number of respondents for the information collection I–129, E–1/E–2 Classification Supplement is 4,760 and the estimated hour burden per response is 0.67 hours. The estimated total number of respondents for the information collection I–129, Trade Agreement Supplement is 3,057 and the estimated hour burden per response is 0.67 hours. The estimated total number of respondents for the information collection I–129, H Classification Supplement is 96,291 and the estimated hour burden per response is two hours. The estimated total number of respondents for the information collection I–129, H–1B and H–1B1 Data Collection and Filing Fee Exemption Supplement is 96,291 and the estimated hour burden per response is one hour. The estimated total number of respondents for the information collection I–129, L Classification Supplement is 37,831 and the estimated hour burden per response is 1.34 hours. The estimated total number of respondents for the information collection I–129, O and P Classifications Supplement is 22,710 and the estimated hour burden per response is one hour. The estimated total number of respondents for the information collection I–129, Q–1 Classification Supplement is 155 and the estimated hour burden per response is 0.34 hours. The estimated total number of respondents for the information collection I–129, R–1 Classification is 6,635 and the estimated hour burden per response is 2.34 hours.

(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 1,072,810 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 $70,681,290.

USCIS Form I–129CW

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for a CNMI-Only Nonimmigrant Transitional Worker.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–129CW; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for profit. USCIS uses the data collected on this form to determine eligibility for the requested immigration benefits. An employer uses this form to petition USCIS for an alien to temporarily enter as a nonimmigrant into the CNMI to perform services or labor as a CNMI-Only Transitional Worker (CW–1). An employer also uses this form to request an extension of stay or change of status on behalf of the alien worker. The form serves the purpose of standardizing requests for these benefits and ensuring that the basic information required to determine eligibility, is provided by the petitioners. USCIS collects biometrics from aliens present in the CNMI at the time of requesting initial grant of CW–1 status. The information is used to verify the alien's identity, background information and ultimately adjudicate their request for CW–1 status.

(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–129CW is 5,975 and the estimated hour burden per response is 3.5 hours. The estimated total number of respondents for the information collection I–129CW is 5,975 and the estimated hour burden per response is 2.5 hours.

(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 35,850 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 $3,809,063.

USCIS Form I–539 and Form I–539A

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application to Extend/Change Nonimmigrant Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–539 and I–539A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This form will be used for nonimmigrants to apply for an extension of stay, for a change to another nonimmigrant classification, or for obtaining V nonimmigrant classification.

(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 Form I–539 (paper filing) is 174,289 and the estimated hour burden per response is 2 hours. The estimated total number of respondents for the information collection Form I–539 (e-filing) is 74,696 and the estimated hour burden per response is 1.08 hours. The estimated total number of respondents for the information collection I–539A is 54,375 and the estimated hour burden per response is 0.5 hour. The estimated total number of respondents for the information collection of Biometrics is 373,477 and the estimated hour burden per response is 1.17 hours.

(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 893,630 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 $56,121,219.

USCIS Form I–912

Implementation of the vacatur will result in non-substantive edits to USCIS Form I–912, Request for Fee Waiver. These edits will remove the language that stated that the submission of a fee waiver request and approval of a fee waiver could negatively impact eligibility for an immigration benefit that is subject to the public charge inadmissibility determination. Accordingly, USCIS has submitted a PRA Change Worksheet, Form OMB 83–C, and amended information collection instrument to OMB for review and approval in accordance with the PRA.

List of Subjects

8 CFR 103

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Immigration, Privacy, Reporting and recordkeeping requirements, Surety bonds.

8 CFR Part 106

Fees, Immigration.

8 CFR Part 212

Administrative practice and procedure, Aliens, Immigration, Passports and visas, Reporting and recordkeeping requirements.

8 CFR Part 213

Immigration, Surety bonds.

8 CFR Part 214

Administrative practice and procedure, Aliens, Cultural exchange programs, Employment, Foreign officials, Health professions, Reporting and recordkeeping requirements, Students.

8 CFR Part 245

Aliens, Immigration, Reporting and recordkeeping requirements.

8 CFR Part 248

Aliens, Reporting and recordkeeping requirements.

Accordingly, DHS amends chapter I of title 8 of the Code of Federal Regulations as follows:

PART 103—IMMIGRATION BENEFITS; BIOMETRIC REQUIREMENTS; AVAILABILITY OF RECORDS

■ 1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1101, 1103, 1304, 1356, 1365b; 31 U.S.C. 9701; Pub. L. 107–296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*); E.O. 12356, 47 FR 14874, 15557; 3 CFR, 1982 Comp., p. 166; 8 CFR part 2; Pub. L. 112–54; 125 Stat. 550; 31 CFR part 223.

■ 2. Section 103.6 is amended by:
■ a. Revising paragraphs (a)(1), (a)(2)(i), and (c)(1);
■ b. Removing paragraph (d)(3); and
■ c. Revising paragraph (e).

The revisions read as follows:

§ 103.6 Immigration bonds.

(a) * * *

(1) *Extension agreements; consent of surety; collateral security.* All surety bonds posted in immigration cases shall be executed on Form I–352, Immigration Bond, a copy of which, and any rider attached thereto, shall be furnished the obligor. A district director is authorized to approve a bond, a formal agreement to extension of liability of surety, a request for delivery of collateral security to a duly appointed and undischarged administrator or executor of the estate of a deceased depositor, and a power of attorney executed on Form I–312, Designation of Attorney in Fact. All other matters relating to bonds, including a power of attorney not executed on Form I–312 and a request for delivery of collateral security to other than the depositor or his or her approved attorney in fact, shall be forwarded to the regional director for approval.

(2) * * *

(i) *General.* Bond riders shall be prepared on Form I–351, Bond Riders, and attached to Form I–352. If a condition to be included in a bond is not on Form I–351, a rider containing the condition shall be executed.

* * * * *

(c) * * *

(1) *Public charge bonds.* A public charge bond posted for an immigrant shall be cancelled when the alien dies, departs permanently from the United States or is naturalized, provided the immigrant did not become a public charge prior to death, departure, or naturalization. The district director may cancel a public charge bond at any time if he/she finds that the immigrant is not likely to become a public charge. A bond may also be cancelled in order to allow substitution of another bond. A public charge bond shall be cancelled by the district director upon review following the fifth anniversary of the admission of the immigrant, provided that the alien has filed Form I–356, Request for Cancellation of Public Charge Bond, and the district director finds that the immigrant did not become a public charge prior to the fifth anniversary. If Form I–356 is not filed, the bond shall remain in effect until the form is filed and the district director reviews the evidence supporting the form and renders a decision to breach or cancel the bond.

* * * * *

(e) *Breach of bond.* A bond is breached when there has been a substantial violation of the stipulated conditions. A final determination that a bond has been breached creates a claim in favor of the United States which may not be released or discharged by a Service officer. The district director having custody of the file containing the immigration bond executed on Form I–352 shall determine whether the bond shall be declared breached or cancelled, and shall notify the obligor on Form I–323 or Form I–391 of the decision, and, if declared breached, of the reasons therefor, and of the right to appeal in accordance with the provisions of this part.

* * * * *

PART 106—USCIS FEE SCHEDULE

■ 3. The authority citation for part 106 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1254a, 1254b, 1304, 1356; Pub. L. 107–609; 48 U.S.C. 1806; Pub. L. 115–218.

§ 106.2 [Amended]

■ 4. Section 106.2 is amended by removing and reserving paragraph (a)(15) and removing paragraph (a)(51).

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

■ 5. The authority citation for part 212 is revised to read as follows:

Authority: 6 U.S.C. 111, 202(4) and 271; 8 U.S.C. 1101 and note, 1102, 1103, 1182 and note, 1184, 1187, 1223, 1225, 1226, 1227, 1255, 1359; section 7209 of Pub. L. 108–458 (8 U.S.C. 1185 note); Title VII of Pub. L. 110–229 (8 U.S.C. 1185 note); 8 CFR part 2; Pub. L. 115–218.

Section 212.1(q) also issued under section 702, Pub. L. 110–229, 122 Stat. 754, 854.

■ 6. Section 212.18 is amended by revising paragraphs (b)(2) and (3) to read as follows:

§ 212.18 Applications for waivers of inadmissibility in connection with an application for adjustment of status by T nonimmigrant status holders.

* * * * *

(b) * * *

(2) If an applicant is inadmissible under sections 212(a)(1) or (4) of the Act, USCIS may waive such inadmissibility if it determines that granting a waiver is in the national interest.

(3) If any other provision of section 212(a) renders the applicant inadmissible, USCIS may grant a waiver of inadmissibility if the activities rendering the alien inadmissible were caused by or were incident to the victimization and USCIS determines that it is in the national interest to waive the applicable ground or grounds of inadmissibility.

* * * * *

§§ 212.20 through 212.23 [Removed]

■ 7. Remove §§ 212.20 through 212.23.

PART 213—ADMISSION OF ALIENS ON GIVING BOND OR CASH DEPOSIT

■ 8. The authority citation for part 213 is revised to read as follows:

Authority: 8 U.S.C. 1103; 8 CFR part 2.

■ 9. Revise the heading for part 213 to read as set forth above.
■ 10. Revise § 213.1 to read as follows:

§ 213.1 Admission under bond or cash deposit.

The district director having jurisdiction over the intended place of

residence of an alien may accept a public charge bond prior to the issuance of an immigrant visa to the alien upon receipt of a request directly from a United States consular officer or upon presentation by an interested person of a notification from the consular officer requiring such a bond. Upon acceptance of such a bond, the district director shall notify the U.S. consular officer who requested the bond, giving the date and place of acceptance and the amount of the bond. The district director having jurisdiction over the place where the examination for admission is being conducted or the special inquiry officer to whom the case is referred may exercise the authority contained in section 213 of the Act. All bonds and agreements covering cash deposits given as a condition of admission of an alien under section 213 of the Act shall be executed on Form I–352 and shall be in the sum of not less than $1,000. The officer accepting such deposit shall give his receipt therefor on Form I–305. For procedures relating to bond riders, acceptable sureties, cancellation or breaching of bonds, see § 103.6 of this chapter.

PART 214—NONIMMIGRANT CLASSES

■ 11. The authority citation for part 214 continues to read as follows:

Authority: 6 U.S.C. 202, 236; 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1186a, 1187, 1221, 1281, 1282, 1301–1305 and 1372; sec. 643, Pub. L. 104–208, 110 Stat. 3009–708; Pub. L. 106–386, 114 Stat. 1477–1480; section 141 of the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, and with the Government of Palau, 48 U.S.C. 1901 note and 1931 note, respectively; 48 U.S.C. 1806; 8 CFR part 2, Pub. L. 115–218.

§ 214.1 [Amended]

■ 12. Section 214.1 is amended by removing paragraph (a)(3)(iv) and by adding the word ''and'' at the end of paragraph (c)(4)(iii).

§ 214.2 [Amended]

■ 13. Section 214.2 is amended by removing ''8 CFR 248.1(c)'' from the end of paragraph (h)(20) and adding in its place ''8 CFR 248.1(b)''.

PART 245—ADJUSTMENT OF STATUS TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

■ 14. The authority citation for part 245 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1255; Pub. L. 105–100, section 202, 111 Stat. 2160, 2193; Pub. L. 105–277, section 902, 112 Stat. 2681; Pub. L. 110–229, tit. VII, 122 Stat. 754; 8 CFR part 2.

§ 245.4 [Amended]

■ 15. Section 245.4 is amended by removing the paragraph (a) designation and removing paragraph (b).

■ 16. Section 245.23 is amended by revising paragraph (c)(3) to read as follows:

§ 245.23 Adjustment of aliens in T nonimmigrant classification.

* * * * *

(c) * * *

(3) The alien is inadmissible under any other provisions of section 212(a) of the Act and has not obtained a waiver of inadmissibility in accordance with 8 CFR 212.18 or 214.11(j). Where the applicant establishes that the victimization was a central reason for the applicant's unlawful presence in the United States, section 212(a)(9)(B)(iii) of the Act is not applicable, and the applicant need not obtain a waiver of that ground of inadmissibility. The applicant, however, must submit with the Form I–485 evidence sufficient to demonstrate that the victimization suffered was a central reason for the unlawful presence in the United States. To qualify for this exception, the victimization need not be the sole reason for the unlawful presence but the nexus between the victimization and the unlawful presence must be more than tangential, incidental, or superficial.

* * * * *

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

■ 17. The authority citation for part 248 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1184, 1258; 8 CFR part 2.

■ 18. Revise § 248.1 to read as follows:

§ 248.1 Eligibility.

(a) *General.* Except for those classes enumerated in § 248.2, any alien lawfully admitted to the United States as a nonimmigrant, including an alien who acquired such status pursuant to section 247 of the Act, 8 U.S.C. 1257, who is continuing to maintain his or her nonimmigrant status, may apply to have his or her nonimmigrant classification changed to any nonimmigrant classification other than that of a spouse or fianc(e), or the child of such alien, under section 101(a)(15)(K) of the Act, 8 U.S.C. 1101(a)(15)(K), or as an alien in transit under section 101(a)(15)(C) of the Act, 8 U.S.C. 1101(a)(15)(C). An alien defined by section 101(a)(15)(V), or 101(a)(15)(U) of the Act, 8 U.S.C. 1101(a)(15)(V) or 8 U.S.C. 1101(a)(15)(U), may be accorded nonimmigrant status in the United States by following the procedures set forth respectively in § 214.15(f) or § 214.14 of this chapter.

(b) Except in the case of an alien applying to obtain V nonimmigrant status in the United States under § 214.15(f) of this chapter, a change of status may not be approved for an alien who failed to maintain the previously accorded status or whose status expired before the application or petition was filed, except that failure to file before the period of previously authorized status expired may be excused in the discretion of USCIS, and without separate application, where it is demonstrated at the time of filing that:

(1) The failure to file a timely application was due to extraordinary circumstances beyond the control of the applicant or petitioner, and USCIS finds the delay commensurate with the circumstances;

(2) The alien has not otherwise violated his or her nonimmigrant status;

(3) The alien remains a bona fide nonimmigrant; and

(4) The alien is not the subject of removal proceedings under 8 CFR part 240.

(c) *Change of nonimmigrant classification to that of a nonimmigrant student.* (1) Except as provided in paragraph (c)(3) of this section, a nonimmigrant applying for a change of classification as an F–1 or M–1 student is not considered ineligible for such a change solely because the applicant may have started attendance at school before the application was submitted. USCIS will deny an application for a change to classification as an M–1 student if the applicant intends to pursue the course of study solely in order to qualify for a subsequent change of nonimmigrant classification to that of an alien temporary worker under section 101(a)(15)(H) of the Act. Furthermore, an alien may not change from classification as an M–1 student to that of an F–1 student.

(2) [Reserved]

(3) A nonimmigrant who is admitted as, or changes status to, a B–1 or B–2 nonimmigrant on or after April 12, 2002, or who files a request to extend the period of authorized stay as a B–1 or B–2 nonimmigrant on or after such date, may not pursue a course of study at an approved school unless the Service has approved his or her application for change of status to a classification as an F–1 or M–1 student. USCIS will deny the change of status if the B–1 or B–2 nonimmigrant enrolled in a course of study before filing the application for change of status or while the application is pending.

(d) *Application for change of nonimmigrant classification from that of a student under section 101(a)(15)(M)(i) to that described in section 101(a)(15)(H).* A district director shall deny an application for change of nonimmigrant classification from that of an M–1 student to that of an alien temporary worker under section 101(a)(15)(H) of the Act if the education or training which the student received while an M–1 student enables the student to meet the qualifications for temporary worker classification under section 101(a)(15)(H) of the Act.

(e) *Change of nonimmigrant classification to that as described in section 101(a)(15)(N).* An application for change to N status shall not be denied on the grounds the applicant is an intending immigrant. Change of status shall be granted for three years not to exceed termination of eligibility under section 101(a)(15)(N) of the Act. Employment authorization pursuant to section 274(A) of the Act may be granted to an alien accorded nonimmigrant status under section 101(a)(15)(N) of the Act. Employment authorization is automatically terminated when the alien changes status or is no longer eligible for classification under section 101(a)(15)(N) of the Act.

Alejandro N. Mayorkas,

Secretary of Homeland Security.

[FR Doc. 2021–05357 Filed 3–11–21; 4:15 pm]

BILLING CODE 9111–97–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2019–1055; Special Conditions No. 25–778–SC]

Special Conditions: Boeing Commercial Airplanes Model 777–9 Airplanes; Structure-Mounted Airbags

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Boeing Commercial Airplanes (Boeing) Model 777–9 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is structure-mounted airbags designed to limit occupant forward excursion in the event of an emergency landing. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Effective April 14, 2021.

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

SUPPLEMENTARY INFORMATION:

Background

On December 6, 2013, Boeing applied for a change to Type Certificate No. T00001SE for structure-mounted airbags installed in the Boeing Model 777–9 airplane. The application date was extended to March 30, 2016, based on Boeing's request. The Boeing Model 777–9 airplane, which is a derivative of the Boeing Model 777 airplane currently approved under Type Certificate No. T00001SE, is a twin-engine, transport-category airplane with seating for 495 passengers and a maximum takeoff weight of 775,000 pounds.

Type Certification Basis

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

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

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

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

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

Novel or Unusual Design Features

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

Airbags mounted to structure to prevent head injury.

Discussion

Boeing will install structure-mounted airbags instead of inflatable lap belts as a means to protect each occupant from serious injury in the event of an emergency landing, as required by § 25.562(c)(5), on 777–9 airplanes.

Such use of airbags to provide injury protection for the occupant is a novel or unusual feature for this airplane model, and the applicable airworthiness regulations do not contain adequate or appropriate airworthiness standards for these design features. Therefore, special conditions are needed to address requirements particular to installation of airbags in this manner.

Special conditions exist for airbags installed on seat belts, known as inflatable lap belts, which have been installed on Boeing airplane passenger seats. Structure-mounted airbags, although a novel design, were first introduced on Jetstream Aircraft Limited Model 4100 series airplanes, which resulted in issuance of Special Conditions 25–ANM–127 on May 14, 1997. These special conditions supplemented 14 CFR part 25 and, more specifically, §§ 25.562 and 25.785.

The structure-mounted airbag, similar to the inflatable lap belt, is designed to limit occupant forward excursion in the event of an emergency landing. These airbags will reduce the potential for serious injury, including reducing the head-injury criterion measurement defined in part 25. However, structure-mounted airbags function similarly as automotive airbags, where the airbag deploys from furniture located in front of the passenger, relative to the airplane's direction of flight, forming a barrier between the structure and

occupant. Also, unlike the inflatable lap belt, the structure-mounted airbag does not move with the occupant. To account for out-of-position and brace-position occupants, the airbag is designed to conform to the curvature of the exposed structure in the head-strike zone.

Because the airbag system is essentially a single-use device, it could deploy under crash conditions that are not sufficiently so severe as to require the injury protection the airbag system provides. Because an actual crash is frequently composed of a series of impacts before the airplane comes to rest, a larger impact following the initial impact could render the airbag system unavailable. This potential situation does not exist with standard upper-torso restraints, which tend to provide continuous protection regardless of impact severity, or number of impacts, in a crash event. Therefore, the airbag-system installation should be such that it provides protection, when it is required, by not expending its protection when it is not required. If the airbag deployment threshold is unnecessarily low, the airbag would need to continue to provide protection when an impact requiring protection occurs.

These special conditions are based upon special conditions 25–605–SC for the Boeing Model 787–9 airplanes equipped with B/E Aerospace Super-Diamond model business-class passenger seats and associated furniture.

The special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

The FAA issued Notice of Proposed Special Conditions No. 25–20–05–SC for the Boeing) Model 777–9 airplane, which was published in the **Federal Register** on July 22, 2020 (85 FR 44244). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 777–9 airplane. Should Boeing apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 777–9 airplanes.

1. The applicant must demonstrate by test that the structure-mounted airbag will deploy and provide protection under crash conditions where it is necessary to prevent serious injury to a 50th percentile occupant, as specified in § 25.562. The means of protection must provide a consistent approach to energy absorption for a range of occupants, from a two-year-old child to a 95th percentile male.

2. The structure-mounted airbag must provide adequate protection for each occupant regardless of the number of occupants of the seat assembly.

3. The structure-mounted airbag system must not be susceptible to inadvertent deployment as a result of wear and tear, or inertial loads resulting from in-flight or ground maneuvers (including gusts and hard landings) likely to be experienced in service.

4. Deployment of the structure-mounted airbag must not introduce hazards or injury mechanisms to the seated occupant, including occupants in the brace position. Deployment of the structure-mounted airbag must also not result in injuries that could impede rapid exit from the airplane.

5. The applicant must demonstrate that an inadvertent deployment that could cause injury to a standing or sitting person is improbable. Inadvertent deployment must not cause injury to anyone who may be positioned close to the structure-mounted airbag (*e.g.,* seated in an adjacent seat, or standing adjacent to the airbag installation or the subject seat). Cases where a structure-mounted airbag is inadvertently deployed near a seated occupant or an empty seat must be considered.

6. Effects of the deflection and deformation of the structure to which the airbag is attached must be taken into account when evaluating deployment and location of the inflated airbag. The effect of loads imposed by airbag deployment, or stowed components where applicable, must also be taken into account.

7. Inadvertent deployment of the structure-mounted airbag during the most critical part of flight will either not cause a hazard to the airplane or is extremely improbable.

8. The applicant must demonstrate that the structure-mounted airbag, when deployed, does not impair access to the seatbelt- or harness-release means, and must not hinder evacuation. This will include consideration of adjacent seat places and the aisle.

9. The airbag, once deployed, must not adversely affect the emergency-lighting system, and must not block escape-path lighting to the extent that the light(s) no longer meet their intended function.

10. The structure-mounted airbag must not impede occupants' rapid exit from the airplane 10 seconds after its deployment.

11. Where structure-mounted airbag systems are installed in or close to passenger evacuation routes (other than for the passenger seat for which the airbag is installed), possibility of impact on emergency evacuation (*e.g.,* hanging in the aisle, potential trip hazard, etc.) must be evaluated.

12. The airbag electronic system must be designed to be protected from lightning per § 25.1316(b), and high-intensity radiated fields per § 25.1317(c).

13. The structure-mounted airbag system must not contain or release hazardous quantities of gas or particulate matter into the cabin.

14. The structure-mounted airbag installation must be protected from the effects of fire such that no hazard to occupants will result.

15. The inflatable bag material must meet the 2.5-inches-per-minute horizontal flammability test defined in 14 CFR part 25, appendix F, part I, paragraph (a)(1)(iv).

16. The design of the structure-mounted airbag system must protect the mechanisms and controls from external contamination associated with that which could occur on or around passenger seating.

17. The structure-mounted airbag system must have a means to verify the integrity of the structure-mounted airbag activation system.

18. The applicant must provide installation limitations to ensure installation compatibility between the seat design and opposing monument or structure.

Issued in Des Moines, Washington, on January 5, 2021.

Suzanne Masterson,

Manager, Transport Airplane Strategic Policy Section, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2021–05308 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2020–0404; Special Conditions No. 25–783–SC]

Special Conditions: B/E Aerospace, Bombardier Model CL–600–2B16 (604 Variant) Airplane; Seats With Pretensioner Restraint Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Bombardier Inc. (Bombardier) Model CL–600–2B16 (604 variant) airplane. This airplane, as modified by B/E Aerospace, will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is seats with a 3-point shoulder harness incorporating a pretensioner restraint system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Effective on B/E Aerospace on March 15, 2021.

FOR FURTHER INFORMATION CONTACT: Shannon Lennon, Human-Machine Interface Section, AIR–626, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3209; email *shannon.lennon@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On June 7, 2019, B/E Aerospace applied for a supplemental type certificate for seats with 3-point harness and pretensioner restraint systems on Bombardier Model CL–600–2B16 (604 variant) airplanes. The 604 variant is a derivative of the Bombardier Model CL–600–2B16 airplane currently approved under Type Certificate No. A21EA. This airplane variant is a twin-engine, transport category airplane with seating for 22 passengers, including crew, and a maximum take-off weight of 47,600 pounds.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, B/E Aerospace must show that the Bombardier Model CL–600–2B16 (604 variant) airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A21EA or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Bombardier Model CL–600–2B16 (604 variant) airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Bombardier Model CL–600–2B16 (604 variant) airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Features

The Bombardier Model CL–600–2B16 (604 variant) airplane, as modified by B/E Aerospace, will incorporate the following novel or unusual design feature:

Seats with a 3-point shoulder harness incorporating a pretensioner restraint system to prevent head injuries.

Discussion

B/E Aerospace has developed a system in which a pretensioning automotive retractor eliminates slack in the 3-point shoulder harness, pulling the occupant back into the seat prior to impact. This has the effect of reducing forward translation of the occupant (reduced head arc), while reducing the loads in the shoulder harness. B/E Aerospace will install, in Bombardier Model CL–600–2B16 (604 variant) airplanes, seats that incorporate a 3-point harness and pretensioner restraint system to protect seat occupants from head injuries.

Over the past 10 years, multiple sensor-driven systems have been installed in various airplanes to meet improved crashworthiness regulations. A sensor-driven system is defined as any system that activates due to a signal sent by an impact-triggered inertial sensor. These types of systems include a lap-belt airbag, a structure-mounted airbag, and a 3-point harness and pretensioner restraint system.

Shoulder harnesses have been widely used on flight-attendant seats, flight-deck seats, in business jets, and in general-aviation airplanes to reduce occupant head injury in the unlikely event of an emergency landing. Special conditions, pertinent regulations, and guidance have been published, relating to other or existing restraint systems. However, the use of a pretensioner restraint system with a 3-point harness on transport airplane seats is a novel design.

Pretensioner technology involves a step change in loading experienced by the occupant for impacts below and above that at which the device activates, because the upper torso excursion would be interrupted by activation of the shoulder harness. This could result in the head-injury criteria being higher at an intermediate impact condition than that resulting from the maximum impact condition corresponding to the test conditions specified in § 25.562.

The ideal triangular maximum-severity pulse is defined in Advisory Circular 25.562–1B, ''Dynamic Evaluation of Seat Restraint Systems and Occupant Protection on Transport Airplanes with Change 1,'' dated January 10, 2006. For evaluating and testing less-severe pulses to assess the effectiveness of the pretensioner setting, a similar triangular pulse should be used with acceleration, rise time, and velocity change scaled accordingly. The magnitude of the required pulse should not deviate below the ideal pulse by more than 0.5g until 1.33 t_1 is reached, where t_1 represents the time interval between 0 and t_1 on the referenced pulse shape as shown in AC 25.562–1B. This is an acceptable method of compliance to the test requirements of these special conditions.

Additionally, the pretensioner might not provide protection, after actuation,

during secondary impacts. Therefore, the case where a small impact is followed by a large impact should be addressed. If the minimum deceleration severity at which the pretensioner is set to activate is unnecessarily low, the protection offered by the pretensioner may be lost by the time a second larger impact occurs.

The existing regulations do not adequately address seats with pretensioner restraint systems. Therefore, the proposed configuration requires special conditions.

Special conditions 1 through 5 address ensuring that the pretensioner system activates when intended, to provide the necessary protection of occupants. This includes protection of a range of occupants under various accident conditions. Special conditions 6 through 11 address maintenance and reliability of the pretensioner system, including any outside influences on the mechanism, to ensure it functions as intended.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

The FAA issued Notice of Proposed Special Conditions No. 25–20–04–SC for the Bombardier Model CL–600–2B16 (604 variant) airplane, which was published in the **Federal Register** on September 4, 2020 (85 FR 55198). The FAA received responses from four commenters supporting the special conditions. The special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Bombardier Model CL–600–2B16 (604 variant) airplane. Should B/E Aerospace apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A21EA to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplanes. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Bombardier Model CL–600–2B16 (604 variant), as modified by B/E Aerospace.

In addition to the requirements of § 25.562, forward-facing passenger seats incorporating pretensioner restraint systems must meet the following:

1. *Head Injury Criteria*—The Head Injury Criteria value must not exceed 1,000 units at any condition at which the pretensioner does or does not deploy, up to the maximum severity pulse that corresponds to the test conditions specified in § 25.562. Tests must be performed to demonstrate this, taking into account any necessary tolerances for deployment.

2. *Protection during Secondary Impacts*—The pretensioner activation setting must be demonstrated to maximize the probability of the protection being available when needed, considering secondary impacts.

3. *Protection of Occupants Other than 50th Percentile*—Protection of occupants for a range of stature from a 2-year-old child to a 95th percentile male must be shown. For shoulder harnesses that include pretensioners, protection of occupants other than a 50th percentile male may be shown by test or analysis. In addition, the pretensioner must not introduce a hazard to passengers due to the following seating configurations:

a. The seat occupant is holding an infant.

b. The seat occupant is a child in a child restraint device.

c. The seat occupant is a pregnant woman.

4. *Occupants Adopting the Brace Position*—Occupants in the traditional brace position when the pretensioner activates must not experience adverse effects from the pretensioner activation.

5. *Inadvertent Pretensioner Actuation*

a. The probability of inadvertent pretensioner actuation must be shown to be extremely remote (*i.e.,* average probability per flight hour of less than 10^{-7}).

b. The system must be shown not susceptible to inadvertent pretensioner actuation as a result of wear and tear, or inertia loads resulting from in-flight or ground maneuvers likely to be experienced in service.

c. The seated occupant must not be seriously injured as a result of inadvertent pretensioner actuation.

d. Inadvertent pretensioner activation must not cause a hazard to the airplane nor cause serious injury to anyone who may be positioned close to the retractor or belt (*e.g.,* seated in an adjacent seat or standing adjacent to the seat).

6. *Availability of the Pretensioner Function Prior to Flight*—The design must provide means for a crewmember to verify the availability of the pretensioner function prior to each flight, or the probability of failure of the pretensioner function must be demonstrated to be extremely remote (*i.e.,* average probability per flight hour of less than 10^{-7}) between inspection intervals.

7. *Incorrect Seatbelt Orientation*—The system design must ensure that any incorrect orientation (twisting) of the seatbelt does not compromise the pretensioner protection function.

8. *Contamination Protection*—The pretensioner mechanisms and controls must be protected from external contamination associated with that which could occur on or around passenger seating.

9. *Prevention of Hazards*—The pretensioner system must not induce a hazard to passengers in case of fire, nor create a fire hazard if activated.

10. *Functionality after Loss of Power*—The system must function properly after loss of normal airplane electrical power, and after a transverse separation in the fuselage at the most critical location. A separation at the location of the system does not have to be considered.

11. *High-intensity Radiated Fields (HIRF) and Lightning Protection*—For airplanes that do not already incorporate 14 CFR 25.1316 and 25.1317 into their certification basis, the equipment must meet the applicable requirements of §§ 25.1316 and 25.1317. Electrostatic discharge must also be considered in the design and testing of the equipment.

Issued in Kansas City, Missouri, on February 17, 2021.

Patrick R. Mullen,

Manager, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2021–05290 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2020–1207; Special Conditions No. 25–782–SC]

Special Conditions: Rockwell Collins, Bombardier Model BD–100–1A10 Airplane; Electronic-System Security Protection From Unauthorized Internal Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Bombardier Model BD–100–1A10 airplane. This airplane, as modified by Rockwell Collins, will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is the installation of a system that allows connection to airplane electronic systems and networks, and access from sources internal to the airplane to the previously isolated internal airplane electronic assets. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATE: This action is effective on Rockwell Collins on March 15, 2021. Send comments on or before April 29, 2021.

ADDRESSES: Send comments identified by Docket No. FAA–2020–1207 using any of the following methods:

- *Federal eRegulations 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: 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 *http://www.regulations.gov/,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this proposal.

Confidential Business Information: 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 Notice 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 Notice, 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 the indicated comments will not be placed in the public docket of this Notice. Send submissions containing CBI to the person indicated in the Contact section below. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for this rulemaking.

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 go 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.

FOR FURTHER INFORMATION CONTACT: Varun Khanna, Aircraft Information Systems Section, AIR–622, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3159; email *varun.khanna@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA finds, pursuant to 14 CFR 11.38(b), that new comments are unlikely, and public notice and comment prior to this publication are unnecessary.

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On May 3, 2019, Rockwell Collins applied for a supplemental type certificate for installation of the Rockwell Collins Pro Line Fusion System in the Bombardier Model BD–100–1A10 airplane, requiring security protection from unauthorized internal access. The Bombardier Model BD–100–1A10 airplane is a twin-engine, transport-category airplane with a passenger capacity of 19 and a maximum takeoff weight of 40,600 pounds.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Rockwell Collins must show that the Bombardier Model BD–100–1A10 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. T00005NY, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Bombardier Model BD–100–1A10 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Bombardier Model BD–100–1A10 airplane must comply with the fuel-vent and exhaust-emission

requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Features

The Bombardier Model BD–100–1A10 airplane, as modified by Rockwell Collins, will incorporate the following novel or unusual design feature:

Installation of the Rockwell Collins Pro Line Fusion System, which allows connection to airplane electronic systems and networks, and access from sources internal to the airplane to the previously isolated internal airplane electronic assets.

Discussion

The Bombardier Model BD–100–1A10 airplane architecture is novel or unusual for commercial transport airplanes because it allows connection to previously isolated data networks connected to systems that perform functions required for the safe operation and maintenance of the airplane. This data network and design integration creates a potential for unauthorized persons to access the aircraft-control domain and airline information-services domain, and presents security vulnerabilities related to the introduction of computer viruses and worms, user errors, and intentional sabotage of airplane electronic assets (networks, systems, and databases) critical to the safety and maintenance of the airplane.

The existing FAA regulations did not anticipate these networked airplane system architectures. Furthermore, these regulations and the current guidance material do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane networks, data buses, and servers. Therefore, these special conditions ensure that the security (*i.e.,* confidentiality, integrity, and availability) of airplane systems will not be compromised by unauthorized wired or wireless connections from within the airplane. These special conditions also require the applicant to provide appropriate instructions to the operator to maintain all electronic-system safeguards that have been implemented as part of the original network design so that this feature does not allow or reintroduce security threats.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Bombardier Model BD–100–1A10 airplane. Should Rockwell Collins apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. T00005NY to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane, as modified by Rockwell Collins. It is not a rule of general applicability and affects only the applicant.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Bombardier Model BD–100–1A10 airplanes, as modified by Rockwell Collins, for electronic-system security protection from unauthorized internal access.

1. The applicant must ensure that the design provides isolation from, or airplane electronic-system security protection against, access by unauthorized sources internal to the airplane. The design must prevent inadvertent and malicious changes to, and all adverse impacts upon, airplane equipment, systems, networks, or other assets required for safe flight and operations.

2. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the airplane is maintained, including all post-type-certification modifications that may have an impact on the approved electronic-system security safeguards.

Issued in Des Moines, Washington, on February 9, 2021.

Suzanne Masterson,

Manager, Transport Airplane Strategic Policy Section, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2021–05293 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2020–0817; Special Conditions No. 25–779–SC]

Special Conditions: Airbus Model A321neo ACF Airplane; Dynamic Test Requirements for Single-Occupant Oblique (Side-Facing) Seats With 3-Point Restraints

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Airbus Model A321neo Cabin Flex (ACF) airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is single-occupant oblique seats with 3-point restraints. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Airbus on March 15, 2021. Send comments on or before April 29, 2021.

ADDRESSES: Send comments identified by Docket No. FAA–2020–0817 using any of the following methods:

- *Federal eRegulations 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: 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 *http://www.regulations.gov/,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this proposal.

Confidential Business Information: 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 Notice 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 Notice, 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 the indicated comments will not be placed in the public docket of this Notice. Submissions containing CBI should be sent to Shannon Lennon, Human-Machine Interface Section, AIR–626, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3209; email *shannon.lennon@faa.gov.* Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for this rulemaking.

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 go 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.

FOR FURTHER INFORMATION CONTACT: Shannon Lennon, Human-Machine Interface Section, AIR–626, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3209; email *shannon.lennon@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions previously has been published in the **Federal Register** for public comment. These special conditions have been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

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–2020–0817'' at the beginning of your comments. The most helpful comments reference a specific portion of the special conditions, 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 these special conditions because of those comments.

Background

On December 19, 2019, Airbus applied for a change to Type Certificate No. A28NM for single-occupant oblique seats with 3-point restraints in the Airbus Model A321neo ACF airplane. This airplane, which is a derivative of the Airbus Model A321–200 airplane currently approved under Type Certificate No. A28NM, is a twin-engine, transport-category airplane with seating for 244 passengers and a maximum takeoff weight of 213,848 pounds.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Airbus must show that the Model A321neo ACF airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A28NM or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Airbus Model A321neo ACF airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model A321neo ACF airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Features

The Airbus Model A321neo ACF airplane will incorporate the following novel or unusual design features:

Single-occupant oblique seats with 3-point restraints.

Discussion

The FAA has been conducting and sponsoring research on appropriate injury criteria for oblique seat installations. However, the FAA research program is not complete, and the FAA may update these criteria as further research results are obtained. To reflect current research findings, the FAA issued policy statement PS–ANM–25–03–R1, ''Technical Criteria for Approving Side-Facing Seats,'' November 5, 2012, which updates injury criteria for fully side-facing seats; and policy statement PS–AIR–25–27, ''Technical Criteria for Approving Oblique Seats,'' July 11, 2018, to define injury criteria for oblique seats. These policies provide background and technical information, as well as applicable injury criteria.

The installation of obliquely oriented passenger seats is novel such that the current certification basis does not adequately address protection of the occupant's neck and spine for seat configurations that are oriented at an angle greater than 18 degrees from the airplane longitudinal centerline.

The installation of passenger seats at angles of 18 to 45 degrees to the airplane centerline is unusual in transport-

category airplanes due to the seat and occupant interface with the surrounding furniture that introduces occupant alignment and loading concerns with or without the installation of a 3-point restraint system or additional airbag restraint system. Note that, while the applicant did not specifically cite airbag systems as part of the seat restraint system, this discussion and related special conditions address airbag information in the event that an airbag system is installed as part of the seat restraint system.

FAA-sponsored research has found that an unrestrained flailing of the upper torso, even when the pelvis and torso are nearly aligned, can produce serious spinal and torso injuries. At lower-impact severities, including with significant misalignment between the torso and pelvis, the injuries did not occur. Tests with an FAA Hybrid III anthropomorphic test device (ATD) have identified a level of lumbar spinal tension corresponding to the no-injury impact severity. This level of tension is included as a limit in the special conditions. The spine-tension limit selected is conservative with respect to other aviation injury criteria because it corresponds to a no-injury loading condition.

Shoulder harnesses (3-point restraint systems) have been widely used on flight-attendant seats, flight-deck seats, business jets, and general aviation airplanes to reduce occupant head injury in the unlikely event of an emergency landing. The use of 3-point restraint systems on transport-category airplane passenger seats is rare; however, pertinent regulations and published guidance for this type of restraint system exist.

The existing regulations, however, do not adequately address the proposed business-class seating configuration of oblique seats with 3-point restraints because they do not consider unique occupant alignment and loading concerns due to obliquely oriented passengers. Therefore, special conditions are required.

These special conditions provide head injury criteria, neck injury criteria, spine injury criteria, and body-to-wall contact criteria. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Airbus Model A321neo ACF airplane. Should Airbus apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Airbus Model A321neo ACF airplane.

In addition to the requirements of § 25.562, passenger seats installed at an angle between 18 degrees and 45 degrees from the aircraft bow-to-stern centerline must meet the following:

1. Head Injury Criteria (HIC):

Compliance with § 25.562(c)(5) is required, except that, when an airbag device is present in addition to the 3-point restraint system, and the anthropomorphic test device (ATD) has no apparent contact with the seat or structure but has contact with an airbag, the HIC unlimited scored in excess of 1000 is acceptable, provided the HIC15 score (calculated in accordance with 49 CFR 571.208) for that contact is less than 700.

ATD head contact with the seat or other structure, through the airbag, or contact subsequent to contact with the airbag, requires a HIC value that does not exceed 1000.

2. Body-to-Wall/Furnishing Contact:

If a seat is installed aft of structure (*e.g.,* interior wall or furnishings) that does not provide a homogenous contact surface for the expected range of occupants and yaw angles, then additional analysis and tests may be required to demonstrate that the injury criteria are met for the area that an occupant could contact. For example, if an airbag device is present, and different yaw angles could result in different airbag-device performance, then additional analysis or separate test(s) may be necessary to evaluate performance.

3. Neck Injury Criteria:

a. The seating system must protect the occupant from experiencing serious neck injury. If an airbag device is present, the assessment of neck injury must be conducted with the airbag device activated, unless there is reason to also consider that the neck injury potential would be higher for impacts below the airbag-device deployment threshold.

b. The Nij (calculated in accordance with 49 CFR 571.208) must be below 1.0, where $N_{ij} = F_z/F_{zc} + M_y/M_{yc}$, and N_{ij} critical values are:

i. F_{zc} = 1530 lbs. for tension

ii. F_{zc} = 1385 lbs. for compression

iii. M_{yc} = 229 lb-ft in flexion

iv. M_{yc} = 100 lb-ft in extension

c. In addition, peak F_z must be below 937 lb. in tension and 899 lb. in compression.

d. Rotation of the head about its vertical axis relative to the torso is limited to 105 degrees in either direction from forward-facing.

e. The neck must not impact any surface that would produce concentrated loading on the neck.

4. Spine and Torso Injury Criteria:

a. The lumbar spine tension (F_z) cannot exceed 1200 lb.

b. Significant concentrated loading on the occupant's spine, in the area between the pelvis and shoulders during impact, including rebound, is not acceptable. During this type of contact, the interval for any rearward (X direction) acceleration exceeding 20g must be less than three (3) milliseconds as measured by the thoracic instrumentation specified in 49 CFR part 572, subpart E, filtered in accordance with SAE recommended practice J211/1, ''Instrumentation for Impact Test–Part 1–Electronic Instrumentation.''

c. The occupant must not interact with the armrest or other seat components in any manner significantly different than would be expected for a forward-facing seat installation.

5. Pelvis Criteria:

Any part of the load-bearing portion of the bottom of the ATD pelvis must not translate beyond the edges of the seat bottom seat-cushion supporting structure.

6. Femur Criteria:

Axial rotation of the upper leg (about the z-axis of the femur per SAE Recommended Practice J211/1) must be limited to 35 degrees from the nominal seated position. Evaluation during rebound does not need to be considered.

7. ATD and Test Conditions:

Longitudinal tests conducted to measure the injury criteria above must be performed with the FAA Hybrid III ATD, as described in SAE 1999–01–

1609. The tests must be conducted with an undeformed floor, at the most-critical yaw cases for injury, and with all lateral structural supports (*e.g.,* armrests or walls) installed.

Note: Airbus must demonstrate that the installation of seats via plinths or pallets meet all applicable requirements. Compliance with the guidance contained in policy memorandum PS–ANM–100–2000–00123, ''Guidance for Demonstrating Compliance with Seat Dynamic Testing for Plinths and Pallets,'' dated February 2, 2000, is acceptable to the FAA.

8. Inflatable Airbag Restraint Systems Special Conditions:

If inflatable airbag-restraint systems are also installed, the airbag systems must meet the requirements in the airbag (inflatable restraint) special conditions applicable to the Airbus Model A321 series airplanes.

Issued in Des Moines, Washington, on January 11, 2021.

Suzanne Masterson,

Manager, Transport Airplane Strategic Policy Section, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2021–05307 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2020–1206; Special Conditions No. 25–781–SC]

Special Conditions: Rockwell Collins, Bombardier Model BD–100–1A10 Airplane; Electronic-System Security Protection From Unauthorized External Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Bombardier Model BD–100–1A10 airplane. This airplane, as modified by Rockwell Collins, will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is the installation of a system that allows connection to airplane electronic systems and networks, and access from aircraft external to the previously isolated internal airplane electronic assets. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Rockwell Collins on March 15, 2021. Send comments on or before April 29, 2021.

ADDRESSES: Send comments identified by Docket No. FAA–2020–1206 using any of the following methods:

- *Federal eRegulations 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: 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 *http://www.regulations.gov/,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this proposal.

Confidential Business Information: 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 Notice 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 Notice, 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 the indicated comments will not be placed in the public docket of this Notice. Send submissions containing CBI to the person indicated in the Contact section below. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for this rulemaking.

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 go 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.

FOR FURTHER INFORMATION CONTACT: Varun Khanna, Aircraft Information Systems Section, AIR–622, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3159; email *varun.khanna@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA finds, pursuant to 14 CFR 11.38(b), that new comments are unlikely, and notice and comment prior to this publication are unnecessary.

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On May 3, 2019, Rockwell Collins applied for a supplemental type certificate for installation of the Rockwell Collins Pro Line Fusion System in the Bombardier Model BD–100–1A10 airplane, requiring security protection from unauthorized external access. The Bombardier Model BD–100–1A10 airplane is a twin-engine, transport-category airplane with a passenger capacity of 19 and a maximum takeoff weight of 40,600 pounds.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Rockwell Collins must show that the Bombardier Model BD–100–1A10

airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. T00005NY, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Bombardier Model BD–100–1A10 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Bombardier Model BD–100–1A10 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Features

The Bombardier Model BD–100–1A10 airplane, as modified by Rockwell Collins, will incorporate the following novel or unusual design feature:

Installation of the Rockwell Collins Pro Line Fusion System, which allows connection to airplane electronic systems and networks, and access from aircraft external sources (*e.g.,* operator networks, wireless devices, internet connectivity, service provider satellite communications, electronic flight bags, etc.) to the previously isolated airplane electronic assets.

Discussion

The Bombardier Model BD–100–1A10 airplane architecture and network configuration is novel or unusual for commercial transport airplanes because it may allow increased connectivity to and access from external network sources and airline operations and maintenance networks to the airplane control domain and airline information services domain. The airplane control domain and airline information-services domain perform functions required for the safe operation and maintenance of the airplane. Previously, these domains had very limited connectivity with external network sources. This data network and design integration creates a potential for unauthorized persons to access the aircraft-control domain and airline information-services domain, and presents security vulnerabilities related to the introduction of computer viruses and worms, user errors, and intentional sabotage of airplane electronic assets (networks, systems, and databases) critical to the safety and maintenance of the airplane.

The existing FAA regulations did not anticipate these networked airplane system architectures. Furthermore, these regulations and the current guidance material do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane networks, data buses, and servers. Therefore, these special conditions ensure that the security (*i.e.,* confidentiality, integrity, and availability) of airplane systems is not compromised by unauthorized wired or wireless electronic connections. This includes ensuring that the security of the airplane's systems is not compromised during maintenance of the airplane's electronic systems. These special conditions also require the applicant to provide appropriate instructions to the operator to maintain all electronic-system safeguards that have been implemented as part of the original network design so that this feature does not allow or reintroduce security threats.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Bombardier Model BD–100–1A10 airplane. Should Rockwell Collins apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. T00005NY to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane, as modified by Rockwell Collins. It is not a rule of general applicability and affects only the applicant.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Bombardier Model BD–100–1A10 airplanes, as modified by Rockwell Collins, for airplane electronic-system security protection from unauthorized external access.

1. The applicant must ensure airplane electronic-system security protection from access by unauthorized sources external to the airplane, including those possibly caused by maintenance activity.

2. The applicant must ensure that electronic-system security threats are identified and assessed, and that effective electronic-system security-protection strategies are implemented to protect the airplane from all adverse impacts on safety, functionality, and continued airworthiness.

3. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the airplane is maintained, including all post-type-certification modifications that may have an impact on the approved electronic-system security safeguards.

Issued in Des Moines, Washington, on February 9, 2021.

Suzanne Masterson,

Manager, Transport Airplane Strategic Policy Section, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2021–05294 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0916; Product Identifier 2015–SW–055–AD; Amendment 39–21449; AD 2021–05–06]

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 Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, EC 155B, EC155B1, EC225LP, and SA330J helicopters. This AD requires inspecting the snap fasteners on the windows. This AD was prompted by incidents of difficulty unbuttoning the extraction tape on the windows. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective April 19, 2021.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of April 19, 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–2020–0916.

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–2020–0916; 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) ADs, 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: David Hatfield, Aerospace Engineer, Aircraft Systems Section, Technical Innovation Policy Branch, Policy & Innovation Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *david.hatfield@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 Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, EC 155B, EC155B1, EC225LP, and SA330J helicopters with window extraction tape with snap fasteners installed. The NPRM published in the **Federal Register** on October 22, 2020 (85 FR 67313). The NPRM proposed to require inspecting each internal and external snap fastener to determine whether they unbutton by hand. For external snap fasteners that do not unbutton by hand, the NPRM proposed to require replacing the male part of the snap fastener and installing self-gripping tape if it still does not unbutton by hand. Thereafter, the NPRM proposed to require a repetitive inspection of the external extraction tape and self-gripping tape and replacing any tape that is cracked, torn, disintegrated, worn, or missing, and replacing the snap fasteners. For internal snap fasteners that do not unbutton by hand, the NPRM proposed to require installing self-gripping tape and replacing the snap fasteners. The proposed requirements were intended to prevent failure of a window to jettison, preventing occupants from exiting the helicopter during an emergency.

The NPRM was prompted by EASA AD No. 2015–0149, dated July 23, 2015 (EASA AD 2015–0149), to correct an unsafe condition for Airbus Helicopters Model AS 322 and EC 225 LP helicopters; EASA AD No. 2015–0168, dated August 13, 2015 (EASA AD 2015–0168), to correct an unsafe condition for Airbus Helicopters Model EC 155 B and EC 155 B1 helicopters; and EASA AD No. 2015–0169, dated August 13, 2015 (EASA AD 2015–0169), to correct an unsafe condition for Airbus Helicopters Model SA330 J helicopters, equipped with an extraction tape fitted with ''press-studs'' (snap fasteners) on the windows. Each EASA AD was issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA advises of difficulty unbuttoning the extraction tape during the manufacturing of a helicopter. Investigation concluded that the difficulty was caused by a bad male/female coupling, possibly resulting from miscrimping. This difficulty is known to have occurred on two additional helicopters. EASA states this condition, if not detected and corrected, could prevent the jettisoning of the helicopter window, possibly affecting the evacuation of passengers during an emergency situation. For these reasons, EASA AD 2015–0149, EASA AD 2015–0168, and EASA AD 2015–0169 require inspecting each press-stud located on the extraction tapes of the window jettisoning system and depending on the findings, installing self-gripping tape and replacing the press-studs.

Comments

The FAA gave the public the opportunity to participate in developing this final rule, but the FAA did not receive any comments on the NPRM or on the determination of the cost to the public.

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.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin (ASB) No. AS332–56.00.10, Revision 0, dated July 16, 2015, for Model AS332-series helicopters; ASB No. EC155–56A006, Revision 0, dated August 10, 2015, for Model EC155-series helicopters; ASB No. EC225–56A008, Revision 0, dated July 16, 2015, for Model EC225LP helicopters; and ASB No. SA330–56.02, Revision 0, dated August 10, 2015, for Model SA330J helicopters. This service information specifies procedures to inspect the internal and external press-studs and to install self-gripping tape for press-studs that do not unbutton or are difficult to unbutton. This service information also specifies procedures to replace internal press-studs that are difficult to unbutton and a repetitive inspection for affected external press-studs until they are replaced.

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 72 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.

Inspecting the snap fasteners takes about 1 work-hour for a cost of $85 per helicopter and $6,120 for the U.S. fleet. Installing self-gripping tape takes about 0.3 work-hour and parts cost $200 for a cost of $226 per window. Inspecting the tape takes about 0.3 work-hour for a cost of $26 per window per inspection cycle. Replacing the extraction tape or self-gripping tape takes about 1 work-hour and parts cost $200 for a total of $285 per window. Replacing a snap fastener takes about 1 work-hour and parts cost $200 for a total of $285 per snap fastener.

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:

2021–05–06 Airbus Helicopters: Amendment 39–21449; Docket No. FAA–2020–0916; Product Identifier 2015–SW–055–AD.

(a) Applicability

This airworthiness directive (AD) applies to Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, EC 155B, EC155B1, EC225LP, and SA330J helicopters, certificated in any category, with window extraction tape with snap fasteners installed.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a snap fastener to unbutton. This condition could result in failure of the window to jettison, preventing occupants from exiting the helicopter during an emergency.

(c) Effective Date

This AD becomes effective April 19, 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 50 hours time-in-service (TIS), inspect each internal and external snap fastener to determine if it can be unbuttoned by hand.

Note 1 to the introductory text of paragraph (e): Airbus Helicopters refers to the snap fastener as a ''press-stud.''

(1) If all internal and external snap fasteners can be unbuttoned by hand, no further action is required by this AD.

(2) If an external snap fastener does not unbutton by hand:

(i) Before further flight, replace the male part of the snap fastener and determine if the snap fastener can be unbuttoned by hand force. If the snap fastener still does not unbutton by hand, before further flight, install self-gripping tape.

(ii) Thereafter, at intervals not to exceed 15 hours TIS, inspect the external extraction tape and self-gripping tape for a crack, a tear, disintegration, or wear. If the extraction tape or self-gripping tape has a crack, a tear, any disintegration, wear, or is missing, before further flight, replace the tape. Replacing the extraction tape or self-gripping tape does not terminate this repetitive inspection.

(iii) Within 100 hours TIS, replace each external snap fastener by following the Accomplishment Instructions, paragraph 3.B.4., of Airbus Helicopters Alert Service Bulletin (ASB) No. AS332–56.00.10, Revision 0, dated July 16, 2015 (ASB AS332–56.00.10); ASB No. EC155–56A006, Revision 0, dated August 10, 2015 (ASB EC155–56A006); ASB No. EC225–56A008, Revision 0, dated July 16, 2015 (ASB EC225–56A008); or ASB No. SA330–56.02, Revision 0, dated August 10, 2015 (ASB SA330–56.02), as applicable to your model helicopter. Replacing the external snap fastener terminates the repetitive inspection requirements specified in paragraph (e)(2)(ii) of this AD.

(3) If an internal snap fastener does not unbutton by hand:

(i) Before further flight, install self-gripping tape by following the Accomplishment Instructions, paragraph 3.B.3., of AS332–56.00.10, ASB EC155–56A006, ASB EC225–56A008, or ASB SA330–56.02, as applicable to your model helicopter.

(ii) Within 900 hours TIS, replace each internal snap fastener by following the Accomplishment Instructions, paragraph 3.B.5., of ASB AS332–56.00.10, ASB EC155–56A006, ASB EC225–56A008, or ASB SA330–56.02, as applicable to your model helicopter.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager, send it to the attention of: David Hatfield, Aerospace Engineer, Aircraft Systems Section, Technical Innovation Policy Branch, Policy & Innovation Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110. Information may be emailed to: *9-AVS-AIR-730-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.

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD No. 2015–0149, dated July 23, 2015; EASA AD No. 2015–0168, dated August 13, 2015; and EASA AD No. 2015–0169, dated August 13, 2015. You may view the EASA ADs on the internet at *https://www.regulations.gov* in Docket No. FAA–2020–0916.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 5600, Window/Windshield System.

(i) 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) No. AS332–56.00.10, Revision 0, dated July 16, 2015.

(ii) Airbus Helicopters ASB No. EC155–56A006, Revision 0, dated August 10, 2015.

(iii) Airbus Helicopters ASB No. EC225–56A008, Revision 0, dated July 16, 2015.

(iv) Airbus Helicopters ASB No. SA330–56.02, Revision 0, dated August 10, 2015.

(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 February 18, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–05144 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0903; Project Identifier AD–2020–00957–T; Amendment 39–21454; AD 2021–05–11]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2017–26–10, which applied to certain The Boeing Company Model 757 airplanes. AD 2017–26–10 required deactivating the spoiler control module (SCM) relays and capping and stowing the associated wiring on certain airplanes. This AD requires repetitive operational tests of the spoiler inhibit function. For certain airplanes, this AD requires installing a new relay bracket assembly, making changes to the wire bundles for certain SCMs, installing new SCMs, measuring the clearance between a wire bundle and the top of the new relay bracket assembly, and applicable on-condition actions. For a certain other airplane, this AD requires changing certain wire bundles. This AD was prompted by reports of unwanted lateral oscillations during landing operations, and the development of wiring changes for certain SCMs, which will improve the lateral handling qualities of the airplane during approach and landing. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 19, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 19, 2021.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0903.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0903; 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: Katherine Venegas, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5353; fax: 562–627–5210; email: *Katherine.Venegas@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2017–26–10, Amendment 39–19141 (82 FR 61675, December 29, 2017) (AD 2017–26–10). AD 2017–26–10 applied to certain The Boeing Company Model 757 airplanes. The NPRM published in the **Federal Register** on October 13, 2020 (85 FR 64419). The NPRM was prompted by reports of unwanted lateral oscillations during landing operations, and the development of wiring changes for certain SCMs, which will improve the lateral handling qualities of the airplane during approach and landing. The NPRM proposed to require repetitive operational tests of the spoiler inhibit function. For certain airplanes, the NPRM proposed to require installing a new relay bracket assembly, making changes to the wire bundles for certain SCMs, installing new SCMs, measuring the clearance between a wire bundle and the top of the new relay bracket assembly, and applicable on-condition actions. For a certain other airplane, the NPRM proposed to require changing certain wire bundles. The FAA is issuing this AD to address unwanted lateral oscillations during landing operations, which could cause over-control of the airplane and subsequent lateral pilot induced oscillation, which could affect continued safe flight and landing.

Comments

The FAA gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

An anonymous commenter, FedEx Express, and United Airlines (UAL) stated their support for the NPRM. An additional comment from UAL is addressed below.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificate (STC) ST01518SE does not affect the accomplishment of the proposed actions.

The FAA agrees with the commenter that STC ST01518SE does not affect the ability to accomplish the actions required by this AD. The FAA has not changed this AD in this regard.

Request To Revise Certain Language in the NPRM

Boeing requested that the FAA revise certain language in the NPRM. Boeing stated that in the Discussion section of the NPRM, it suggested to revise the last sentence as follows: ''The FAA issued AD 2017–26–10 to address a failure condition that can cause uncommanded spoiler movement resulting in loss of controllability of the airplane.'' Boeing commented that the change is justified based on the original safety determination of Continued Operational Safety Program (COSP) 2017–0373.

Boeing also stated that in the Actions Since AD 2017–26–10 Was Issued section of the NPRM, it suggested that the FAA add the following sentence: ''This change provides the equivalent lateral handling quality improvements during approach and landing as AD 2015–08–01, but with a new design implementation.'' Boeing commented that the change is justified based on the mitigating design for COSP 2018–0094.

The FAA acknowledges the commenter's request and agrees the proposed wording provides clarity and more closely aligns with the COSP recommendations. However those sections are not carried over into this final rule. The FAA has not changed this AD in this regard.

Request To Use Later Revisions of the Service Information

UAL requested that the proposed AD be revised to allow for the use of later revisions of the service information in either paragraph (g) of the proposed AD (Required Actions) or in paragraph (h) of the proposed AD (Exceptions to Service Information Specifications).

The FAA disagrees with the commenter's request. The FAA may not in an AD refer to any document that does not yet exist. In general terms, the FAA is required by Office of the Federal Register (OFR) regulations for approval of materials incorporated by reference, as specified in 1 CFR 51.1(f), to either publish the service document contents as part of the actual AD language; or submit the service document to the OFR for approval as referenced material, in which case the FAA may only refer to such material in the text of an AD. The AD may refer to the service document only if the OFR approved it for incorporation by reference. See 1 CFR part 51.

To allow operators to use later revisions of the referenced document (issued after publication of the AD), either the FAA must revise the AD to reference specific later revisions, or operators must request approval to use later revisions as an alternative method of compliance with this AD under the provisions of paragraph (j) of this AD.

Clarification of Steps in the Service Information

Boeing contacted the FAA and stated that there is an error in Boeing Alert Requirements Bulletin 757–27A0158 RB, dated July 9, 2020, and that the service information would be revised. Boeing stated that the reason for the service information revision is that step 2 in the figure 4 table incorrectly states to drill six holes, while the graphic in figure 4 accurately shows to only drill two holes.

The FAA has added paragraph (h)(2) of this AD to state, ''Where Boeing Alert Requirements Bulletin 757–27A0158 RB, dated July 9, 2020, specifies in figure 4 (sheet 3 of 3), step 2, to drill a quantity of six holes, this AD requires drilling two holes.'' The FAA has also moved the content of paragraph (h) of the proposed AD to paragraph (h)(1) of this AD.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously, and minor editorial changes. The FAA has determined that these minor changes:

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

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 757–27A0158 RB, dated July 9, 2020. This service information describes procedures for installing a new relay bracket assembly, making changes to the wire bundles for the SCMs, installing new SCMs, measuring the clearance between a wire bundle and the top of new relay bracket assembly, changing certain wire bundles, repetitive operational tests of the spoiler inhibit function, and applicable on-condition actions. On-condition actions include installing a new protective sleeve, heat shrinkable to the wire bundle, doing a landing configurations warning module landing flap tests, and doing a system test for the SCMs. 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 626 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installations, measurement, and wire bundle changes (groups 1–22; 625 airplanes).	105 work-hours × $85 per hour = $8,925.	Up to $7,230	Up to $16,155	Up to $10,096,875.
Wire bundle change (group 23; 1 airplane)	9 work-hours × $85 per hour = $765.	$160	$925	$925.
Operational test (all groups; 626 airplanes)	5 work-hours × $85 per hour = $425 per test cycle.	$0	$425 per test cycle	$266,050 per test cycle.

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

ESTIMATED COSTS OF ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Installation and testing	8 work-hour × $85 per hour = $680	* $	$840

* The FAA has received no definitive data on the parts cost for the on-condition installation specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2017–26–10, Amendment 39–19141 (82 FR 61675, December 29, 2017); and

■ b. Adding the following new AD:

2021–05–11 The Boeing Company: Amendment 39–21454 ; Docket No. FAA–2020–0903; Project Identifier AD–2020–00957–T.

(a) Effective Date

This airworthiness directive (AD) is effective April 19, 2021.

(b) Affected ADs

This AD replaces AD 2017–26–10, Amendment 39–19141 (82 FR 61675, December 29, 2017).

(c) Applicability

This AD applies to The Boeing Company Model 757–200, –200PF, –200CB, and –300 series airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 757–27A0158 RB, dated July 9, 2020.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Unsafe Condition

This AD was prompted by reports of unwanted lateral oscillations during landing operations, and the development of wiring changes for certain spoiler control modules (SCMs), which will improve the lateral handling qualities of the airplane during approach and landing. The FAA is issuing this AD to address unwanted lateral oscillations during landing operations, which could cause over-control of the airplane and subsequent lateral pilot induced oscillation, which could affect continued safe flight and landing.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 757–27A0158 RB, dated July 9, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 757–27A0158 RB, dated July 9, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 757–27A0158, dated July 9, 2020, which is referred to in Boeing Alert Requirements Bulletin 757–27A0158 RB, dated July 9, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin 757–27A0158 RB, dated July 9, 2020, uses the phrase ''the original issue date of the Requirements Bulletin 757–27A0158 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin 757–27A0158 RB, dated July 9, 2020, specifies in figure 4 (sheet 3 of 3), step 2, to drill a quantity of six holes, this AD requires drilling two holes.

(i) Minimum Equipment List (MEL)

In the event that the spoiler inhibit function (SIF) system as modified by this AD is inoperable, an airplane may be operated as specified in the operator's existing FAA-approved MEL, provided the operator's existing FAA-approved MEL includes provisions that address the modified SIF system.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved previously for AD 2017–26–10 are approved as AMOCs for the corresponding provisions of this AD.

(k) Related Information

(1) For more information about this AD, contact Katherine Venegas, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5353; fax: 562–627–5210; email: *Katherine.Venegas@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(3) and (4) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 757–27A0158 RB, dated July 9, 2020.

(ii) [Reserved]

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

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

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

Issued on February 21, 2021.

Ross Landes,

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

[FR Doc. 2021–05253 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Parts 1264 and 1271

RIN 2700–AE60

[Document Number NASA–21–005: Docket Number NASA–2021–001]

Federal Civil Monetary Penalties Inflation Adjustment for 2021

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: The National Aeronautics and Space Administration (NASA) has adopted a final rule making inflation adjustments to civil monetary penalties within its jurisdiction. This final rule represents the annual 2021 inflation adjustments of monetary penalties. These adjustments are required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

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

FOR FURTHER INFORMATION CONTACT: Bryan R. Diederich, Office of the General Counsel, NASA Headquarters, telephone (202) 358–0216.

SUPPLEMENTARY INFORMATION:

I. Background

The Inflation Adjustment Act, as amended by the 2015 Act, required Federal agencies to adjust the civil penalty amounts within their jurisdiction for inflation by July 1, 2016. Subsequent to the 2016 adjustment, Federal agencies were required to make an annual inflation adjustment by January 15 every year thereafter.[1] Under the amended Act, any increase in a civil penalty made under the Act will apply to penalties assessed after the increase takes effect, including penalties whose associated violation predated the increase.[2] The inflation adjustments mandated by the Act serve to maintain the deterrent effect of civil penalties and to promote compliance with the law.

Pursuant to the Act, adjustments to the civil penalties are required to be made by January 15 of each year. The annual adjustments are based on the percent change between the U.S. Department of Labor's Consumer Price Index for All Urban Consumers (''CPI–U'') for the month of October preceding the date of the adjustment and the CPI–U for October of the prior year (28 U.S.C. 2461 note, section (5)(b)(1)). Based on that formula, the cost-of-living adjustment multiplier for 2020 is 1.01182. Pursuant to the 2015 Act, adjustments are rounded to the nearest dollar.

II. The Final Rule

This final rule makes the required adjustments to civil penalties for 2021. Applying the 2021 multiplier above, the adjustments for each penalty are summarized below.

Law	Penalty description	2020 penalty	Penalty adjusted for 2021
Program Fraud Civil Remedies Act of 1986	Maximum Penalties for False Claims	$11,665	$11,803
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Minimum Penalty for use of appropriated funds to lobby or influence certain contracts.	20,489	20,731
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Maximum Penalty for use of appropriated funds to lobby or influence certain contracts.	204,892	207,314
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Minimum penalty for failure to report certain lobbying transactions.	20,489	20,731
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Maximum penalty for failure to report certain lobbying transactions.	204,892	207,314

[1] *See* 28 U.S.C. 2461 note.

[2] Inflation Adjustment Act section 6, *codified at* 28 U.S.C. 2461 note.

This rule codifies these civil penalty amounts by amending parts 1264 and 1271 of title 14 of the CFR.

III. Legal Authority and Effective Date

NASA issues this rule under the Federal Civil Penalties Inflation Adjustment Act of 1990,[3] as amended by the Debt Collection Improvement Act of 1996,[4] and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,[5] which requires NASA to adjust the civil penalties within its jurisdiction for inflation according to a statutorily prescribed formula.

Section 553 of title 5 of the United States Code generally requires an agency to publish a rule at least 30 days before its effective date to allow for advance notice and opportunity for public comments.[6] After the initial adjustment for 2016, however, the Civil Penalties Inflation Adjustment Act requires agencies to make subsequent annual adjustments for inflation ''notwithstanding section 553 of title 5, United States Code.'' Moreover, the 2021 adjustments are made according to a statutory formula that does not provide for agency discretion. Accordingly, a delay in effectiveness of the 2021 adjustments is not required.

IV. Regulatory Requirements

Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a significant regulatory action under E.O. 12866 and was not reviewed by the Office of Management and Budget (OMB).

Executive Order 13771

This rule is not an E.O. 13771 regulatory action because this final rule is not significant under E.O. 12866.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.[7]

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995,[8] NASA reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

List of Subjects in 14 CFR Parts 1264 and 1271

Claims, Lobbying, Penalties.

For the reasons stated in the preamble, the National Aeronautics and Space Administration is amending 14 CFR parts 1264 and 1271 as follows:

PART 1264—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL PENALTIES ACT OF 1986

■ 1. The authority citation for part 1264 continues to read as follows:

Authority: 31 U.S.C. 3809, 51 U.S.C. 20113(a).

§ 1264.102 [Amended]

■ 2. In § 1264.102, remove the number ''$11,665'' everywhere it appears and add in its place the number ''$11,803.''

PART 1271—NEW RESTRICTIONS ON LOBBYING

■ 3. The authority citation for part 1271 continues to read as follows:

Authority: Section 319, Pub. L. 101–121 (31 U.S.C. 1352); Pub. L. 97–258 (31 U.S.C. 6301 *et seq.*)

§ 1271.400 [Amended]

■ 4. In § 1271.400:

■ a. In paragraphs (a) and (b), remove the words ''not less than $20,489 and not more than $204,892'' and add in their place the words ''not less than $20,731 and not more than $207,314.''

■ b. In paragraph (e), remove the two occurrences of ''$20,489'' and add in their place ''$20,731'' and remove ''$204,892'' and add in its place ''$207,314.''

Appendix A to Part 1271 [Amended]

■ 5. In appendix A to part 1271:

■ a. Remove the number ''$20,489'' everywhere it appears and add in its place the number ''$20,731.''

■ b. Remove the number ''$204,892'' everywhere it appears and add in its place the number ''$207,314.''

Nanette J. Smith,

Team Lead, NASA Directives and Regulations Management.

[FR Doc. 2021–05312 Filed 3–12–21; 8:45 am]

BILLING CODE 7510–13–P

[3] Public Law 101–410, 104 Stat. 890 (1990).

[4] Public Law 104–134, section 31001(s)(1), 110 Stat. 1321, 1321–373 (1996).

[5] Public Law 114–74, section 701, 129 Stat. 584, 599 (2015).

[6] *See* 5 U.S.C. 533(d).

[7] 5 U.S.C. 603(a), 604(a).

[8] 44 U.S.C. 3506.

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Parts 4, 122, 123, 145, and 149

[Docket No. USCBP–2021–0009; CBP Dec. 21–04]

RIN 1651–AB33

Mandatory Advance Electronic Information for International Mail Shipments

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

ACTION: Interim final rule; request for comments.

SUMMARY: To address the threat of synthetic opioids and other dangerous items coming to the United States in international mail shipments and to implement the requirements of the Synthetics Trafficking and Overdose Prevention Act of 2018 (STOP Act), U.S. Customs and Border Protection (CBP) is amending its regulations to require the United States Postal Service (USPS) to transmit certain advance electronic information to CBP. These amended regulations provide that, for certain inbound international mail shipments, CBP must electronically receive from USPS, within specified time frames, certain mandatory advance electronic data (AED) and updates thereto. These regulations describe the new mandatory AED requirements, including the types of inbound international mail shipments for which AED is required, the time frame in which USPS must provide the required AED to CBP, and the criteria for the exclusion from AED requirements for mail shipments from specific countries. The regulations also address compliance dates and the necessary remedial actions that must be taken with respect to shipments for which USPS has not complied with AED requirements.

DATES:

Effective date: This interim final rule is effective March 15, 2021.

Comment date: Comments must be received by May 14, 2021.

ADDRESSES: Please submit any comments, identified by docket number [USCBP–2021–0009], by one of the following methods:

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

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

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

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

FOR FURTHER INFORMATION CONTACT: Quintin Clarke, Cargo and Conveyance Security, Office of Field Operations, U.S. Customs & Border Protection, by telephone at (202) 344–2524, or email at *quintin.g.clarke@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Public Participation
II. Executive Summary
III. Background
A. Purpose of Rule
B. Statutory and Regulatory History
1. Statutory History
2. Regulatory History
i. Trade Act of 2002 Implementing Regulations
ii. Safe Port Act and ISF Regulations
iii. ACAS Regulations
iv. Mail Importation Regulations
C. AED and the Mail System
1. The International Mail System for Inbound U.S. Mail
2. Current CBP Regulatory Requirements for Mail Shipments to the United States
3. Process for Mail Shipments to the United States
4. International Framework for the Provision of AED for Mail Shipments
5. Current USPS Transmission of AED to CBP
IV. Mandatory AED for Mail Shipments
A. New 19 CFR Part 145, Subpart G
B. Definitions
C. Mandatory Advance Electronic Data (AED)
1. General Requirements
2. Types of Inbound International Mail Shipments for Which AED is Required
3. Time Frames for Providing and Updating AED
4. Required AED
a. Item Attribute Information
b. Pre-Advice of Despatch Information
5. Exclusions From AED Requirements for Mail Shipments From Specific Countries
6. Compliance Dates
7. Shipments for Which USPS has Not Complied With AED Requirements
D. Penalties
E. Amendment to 19 CFR 145.0
F. Amendment to Other Parts of 19 CFR Chapter 1
G. Flexible Enforcement
V. Statutory and Regulatory Reviews
A. Administrative Procedure Act
B. Executive Orders 12866 and 13563
1. Purpose of Rule
2. Overview of Analysis
3. Population Affected by Rule
4. Costs of Rule
5. Benefits of Rule
6. Regulatory Alternatives
7. Net Impact of Rule
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Privacy
F. Paperwork Reduction Act
G. Other Regulatory Requirements
H. Required Report to Congress
VI. Signing Authority

Glossary of Terms Used

ACAS Air Cargo Advance Screening
AED Advance Electronic Data
APA Administrative Procedure Act
APO Army Post Office
CBP U.S. Customs and Border Protection
CDC Centers for Disease Control and Prevention
CFR Code of Federal Regulations
DHS Department of Homeland Security
DPO Diplomatic Post Office
EMS Inbound Express Mail Service
FPO Foreign Postal Operators
IMPC International Mail Processing Center
IMF International Mail Facility
ISC International Service Center
ISF Importer Security Filing
ITMATT Item Attribute Information
MOU Memorandum of Understanding
NTC National Targeting Center
OMB Office of Management and Budget
PLACI Pre-Loading Advance Cargo Information
PREDES Pre-Advice of Despatch Information
SAFE Port Act Security and Accountability for Every Port Act of 2006
SOP Standard Operating Procedures
STOP Act Synthetics Trafficking and Overdose Prevention Act of 2018
UPU Universal Postal Union
USPS United States Postal Service
WCO World Customs Organization

I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of this interim final rule. The Department of Homeland Security (DHS) and CBP also invite comments that relate to the economic, environmental, or federalism effects that might result from this interim final rule. Comments that will provide the most assistance to CBP will reference a specific portion of the interim final rule, explain the reason for any recommended change, and include data, information, or authority that supports the recommended change.

DHS and CBP specifically invite comments on the following issues, discussed in the rule document below:

• Whether CBP should require AED on mail shipments classified as EMS or parcel post regardless of whether these are identified as containing documents;

• Whether CBP should require AED on mail that is sent using channels that USPS identifies as ''domestic'' even as these remain subject to customs examination, including: Mail from APO/FPO/DPO addresses; mail to/from U.S. territories and possessions, or to/from/between the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau; returned U.S. origin items; and items transiting the U.S. in closed transit;

• Whether updates to the AED should be required until the mail shipment has arrived at the first CBP port;

• If any data elements identified as optional under this rule should be deemed mandatory;

• The costs to USPS to return mail without AED;

• Comments on CBP's flexible enforcement policy.

II. Executive Summary

The United States is experiencing the worst drug overdose epidemic since the 1990s. In recent years, there has been a marked increase in the consumption of illicit opioids, such as heroin and its synthetic analogues, such as fentanyl. In 2016, there were nearly 64,000 overdose deaths, of which two-thirds involved opioids, including fentanyl.[1] From 2016 to 2017, synthetic opioid-involved death rates increased by 45.2 percent.[2] In light of this, the President declared a public health emergency in 2017,[3] and the Secretary for Health and Human Services made a determination that a public health emergency exists nationwide.[4] The public health crisis continues unabated as rate of overdose deaths has sharply accelerated in the coronavirus disease (COVID–19)

[1] U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, *Morbidity and Mortality Weekly Report: Drug and Opioid-Involved Overdose Deaths—United States, 2013–2017,* Vol. 67, Nos. 51 & 52, 1419–27 (January 4, 2019), available at *https://www.cdc.gov/mmwr/volumes/67/wr/mm675152e1.htm* (last accessed, June 17, 2019).

[2] *Id.*

[3] *Establishing the President's Commission on Combating Drug Addiction and the Opioid Crisis,* 82 FR 16283 (Apr. 3, 2017) (Executive Order 13784 of Mar. 29, 2017).

[4] *https://www.phe.gov/emergency/news/healthactions/phe/Pages/opioid-19apr2019.aspx.*

pandemic[5] and synthetic opioids (primarily illicitly manufactured fentanyl) appear to be the primary driver of the increases in overdose deaths.[6]

On October 24, 2018, Congress enacted the Synthetics Trafficking and Overdose Prevention Act of 2018 (STOP Act), primarily to fight the influx of deadly opioids, particularly synthetic opioids such as fentanyl, coming to the United States in international mail shipments.[7] Among other things, the STOP Act amends section 343(a)(3) of the Trade Act of 2002 to require CBP to issue regulations requiring the United States Postal Service (USPS) to transmit certain advance electronic data (AED) to CBP for international mail shipments. The AED required by this rule includes various details about the package's sender, recipient and contents, information that is generally provided by foreign senders on customs declarations forms, but only on paper copies that are affixed to the packages. It is the same information that is currently required by the UPU and CBP on existing custom declaration forms and that is provided by foreign senders.

The current paper process has made it difficult for CBP to most effectively use the information for targeting packages containing illegal goods since CBP processing has relied mostly on physical inspection of the declarations and the packages.

In recent years and in advance of the enactment of the STOP Act, USPS has been working with CBP through pilot programs to provide the information received on customs declaration forms to CBP electronically and in advance of arrival of the package. This assists CBP in its targeting of high risk shipments. The international postal community has also been moving towards requiring AED for mail shipments if required by customs and security authorities in the country of destination. However, the international mail customs process remains largely paper-based and there is currently no regulation requiring AED for mail shipments. As required by the STOP Act, this rule addresses that gap. Requiring USPS to transmit AED to CBP for international mail shipments will make data requirements for international mail shipments comparable to existing AED requirements currently imposed on non-mail shipments of cargo, subject to the parameters set forth in section 343(a)(3) of the Trade Act of 2002 (19 U.S.C. 1415). The principal benefit of this rule will be a more precise identification of at-risk postal shipments in advance of arrival of the package. The required AED will enable CBP to better target and identify risky mail shipments and is expected to disrupt the supply chain of illegal opioids and other dangerous goods. The lack of required AED for mail shipments presents a security gap that could be exploited by bad actors because it hinders CBP's ability to effectively target for illegal opioids and other dangerous goods before they enter the commerce of the United States. Requiring AED for mail shipments will enhance the security of the supply chain with respect to international mail shipments by giving CBP adequate time and information necessary to perform targeted risk assessments geared towards interdicting illicit and dangerous goods before they enter the U.S. mail system. This will improve CBP's ability to detect and disrupt the flow of illicit supply chains that exploit the postal environment and will reduce the risk that shipments of illicit fentanyl and other dangerous goods will enter the country.

This rule would impose costs on CBP and USPS in the form of increased technology costs to set up targeting systems to identify mail to be inspected based on the AED, as well as training costs, and hold processing costs. Costs to the United States government total an undiscounted $55.8 million over a ten-year period of analysis. This rule would also impose costs on foreign posts in the form of technology costs needed to transmit AED to the USPS, training costs, and the time cost to key in AED. The principal benefit of the rule is more precise identification of mail shipments with illicit goods, including fentanyl, at an earlier time, improving CBP's effectiveness in preventing prohibited mail items from reaching the United States. Accepting the high degree of uncertainty, taking account of the magnitude of the underlying problem, and recognizing that the rule is likely to have additional benefits from assisting CBP's targeting to prevent smuggling of items other than fentanyl, DHS believes, in the terms of Executive Order 13563, ''that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify).''

In developing these regulations, CBP considered the process and information flow unique to the movement of international mail to the United States, international efforts to develop AED requirements, and the AED requirements that apply to non-mail shipments arriving in the United States. The required AED consists of two elements: (1) Information already collected through the customs declaration forms attached to incoming mail, including the contents and value of the goods in the package as well as sender and recipient information; and (2) information about the movement of the package, such as the date and time of departure of the transporting conveyance, the scheduled date and time of arrival in the United States, transportation information (*e.g.,* carrier, flight number, voyage number), and destination International Mail Facility (IMF).[8] Taking into account how the international mail process works, these requirements are comparable to the requirements for the transmission of AED imposed on similar non-mail shipments of cargo and are consistent with the requirement in section 343(a)(3) of the Trade Act of 2002 (19 U.S.C. 1415) that regulations developed under the Act consider certain parameters.[9] These parameters include, among others, consulting parties likely to be affected by the regulations, considering existing commercial practices, and taking into account the extent to which the technology necessary for parties to transmit the information is available. See 19 U.S.C. 1415(a)(3).

The new regulations provide that for certain inbound international mail shipments, CBP must electronically receive from USPS, within specified time frames, certain mandatory AED and updates thereto. The AED requirement generally pertains to all mail shipments except for *letter class*

[5] White House, Notice on the Continuation of the National Emergency Concerning the Coronavirus Disease 2019 (COVID–19) Pandemic, February 24, 2021. Available at *https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/notice-on-the-continuation-of-the-national-emergency-concerning-the-coronavirus-disease-2019-covid-19-pandemic/* (last accessed February 24, 2021).

[6] Centers for Disease Control, Press Release, *Overdose Deaths Accelerated During COVID–19: Expanded Prevention Efforts Needed,* December 17, 2020, available at *https://www.cdc.gov/media/releases/2020/p1218-overdose-deaths-covid-19.html* (last accessed February 20, 2021).

[7] Synthetics Trafficking and Overdose Prevention Act of 2018 (STOP Act), Subtitle A of Title VIII of the Substance Abuse-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT for Patients and Communities Act), Public Law 115–271 (2018); *see also* H.R. Rep. No. 115–722, pt. 1, at 7 (2018).

[8] In the United States, the IMF is operated by CBP. The new regulations define IMF as an ''official international mail processing center operated by CBP.''

[9] The Postal Accountability and Enhancement Act (PAEA) also mandates that CBP will afford comparable treatment to shipments of international mail that are competitive products, regardless of whether these are shipments by the Postal Service or shipments by private companies. *See* 39 U.S.C. 407(e).

mail—documents.[10] *Letter class mail—documents* means letter class mail containing only documents (*i.e.,* any piece of written, drawn, printed or digital information), excluding objects of merchandise, and may include M-bags to the extent that such items do not contain goods. This exception for *letter class mail—documents* is comparable with the current AED requirements for non-mail, which do not apply to letters and documents. Specifically, the new regulations provide that USPS must transmit AED for inbound international mail shipments containing goods classified as Express Mail Service (EMS), parcel post, or *Letter class mail—goods,* unless a shipment originates from a country that CBP has, in accordance with the procedures set forth in the new regulations,[11] excluded from the AED requirements and has informed USPS of the exclusion. The new regulations will not require AED for *letter class mail—documents* and items for the blind consisting of correspondence, literature in whatever format including sound recordings, and equipment or materials of any kind made or adapted to assist blind persons in overcoming the problems of blindness (up to 7 kilograms). Under this rule, AED will also not be required for items sent as Parcel Post or EMS that do not contain goods. Similarly, AED will not be required for returned U.S. origin items, items transiting the U.S. in closed transit, items sent as U.S. domestic mail, or mail treated as domestic, including mail to or from APO, FPO, and DPO addresses, mail to or from U.S. territories and possessions, and mail, from or between the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. However, this exclusion does not preclude CBP's existing authority to inspect any of these shipments. Pursuant to the new regulations, USPS must provide the required AED to CBP as soon as practicable, but no later than prior to loading the inbound international mail shipment onto the transporting conveyance. Additionally, USPS must electronically provide CBP with updates to the AED as soon as USPS becomes aware of any changes to the submitted data or as soon as it becomes aware that more accurate data is available, until the timeframes for updated AED set forth in the Air Cargo Advance Screening (ACAS) regulations at 19 CFR 122.48b(b)(2).

In accordance with the STOP Act, these regulations also contain the criteria by which certain mail shipments from specific countries may be excluded from the requirement to provide AED. Namely, if a specific country or countries do not have the capacity to collect and transmit AED, represent a low risk for mail shipments that violate relevant U.S. laws and regulations, and account for low volumes of mail shipments that can be effectively screened for compliance with relevant U.S. laws and regulations through an alternative means, they may be excluded from the AED requirement. CBP will re-evaluate determinations to exclude specific countries from the requirement to provide AED at a minimum, on an annual basis.

Additionally, these regulations incorporate provisions of the STOP Act that address compliance dates, as well as the necessary remedial actions that must be taken with respect to shipments for which USPS has not complied with the AED requirements.

To implement the AED requirements, CBP is adding a new subpart G to title 19 of the Code of Federal Regulations (CFR) part 145. Title 19 CFR part 145 covers Mail Importations. The new subpart G is titled Mandatory Advance Electronic Data for Mail Shipments. CBP is also making certain revisions to 19 CFR 145.0 to expand the scope of 19 CFR part 145 to include the AED provisions. Additionally, CBP is making revisions to 19 CFR 4.7, 122.0, 123.0, and 149.1 to refer readers looking for the AED requirements for international mail shipments to part 145.

The new subpart G of 19 CFR part 145, consists of three new sections. New § 145.73 adds various definitions specific to the subpart, new § 145.74 provides details regarding the mandatory AED CBP must receive from USPS, and new § 145.75 provides the applicable penalties if USPS accepts a shipment in violation of the regulations.

III. Background

A. Purpose of Rule

As explained in the Executive Summary, the United States is experiencing the worst drug overdose epidemic since the 1990s. The nature of this drug use and overdose has changed over the decades since it first began. Initially characterized by the abuse of prescription opioids, drug use shifted towards the consumption of illicit opioids, such as heroin, in the 2000s. In recent years, there has been a shift towards the use of synthetic opioids, such as fentanyl, particularly as suppliers have begun mixing synthetic opioids into heroin in order to decrease their costs. For the reasons explained below, this shift towards synthetic opioids has led to a marked increase in the number of overdose deaths. The consumption of synthetic opioids is particularly worrisome given this class of drugs' high lethality. Fentanyl is 40 times more potent than heroin [12] and 100 times more potent than morphine, a common prescription opiate.[13] Moreover, consumers of other opioids may be unaware of the presence of synthetic opioids in the drugs they purchase through non-prescription means. The heroin supply has been contaminated with fentanyl, and counterfeit opioid pills are laced with fentanyl, unbeknownst to many users.[14] According to drug seizure data from the DEA National Forensic Laboratory Information System, fentanyl reports have increased fifty-fold between 2013 and 2017.[15] According to data from the Centers for Disease Control and Prevention (CDC), there were nearly 64,000 drug overdose deaths in 2016, of which two thirds (or, approximately 42,000) involved opioids. Moreover, the sharpest increase in overdose deaths between 2015 and 2016 occurred in deaths related to synthetic opioids, including fentanyl.[16] From 2016 to 2017, synthetic opioid-involved death rates increased again by 45.2 percent.[17] In March 2017, the Commission on Combating Drug Addiction and the

[10] The UPU uses slightly different terminology (letter post instead of letter class), however, existing CBP regulations use the term *letter class mail,* thus CBP uses *letter class mail* in this rule to maintain consistency throughout CBP regulations.

[11] New 19 CFR 145.74(e) provides that CBP will consult with USPS in order to make this determination.

[12] Ciccarone, D. (2017). Fentanyl in the US heroin supply: A rapidly changing risk environment. *International Journal of Drug Policy,* 46: 107–111, 3.

[13] Centers for Disease Control and Prevention (CDC), *Synthetic Opioid Overdose Data.* Last updated December 19, 2018. Available at *https://www.cdc.gov/drugoverdose/data/fentanyl.html* (last accessed February 22, 2021).

[14] Centers for Disease Control and Prevention (CDC), *Increases in Fentanyl Drug Confiscations and Fentanyl-related Overdose Fatalities.* Released October 26, 2015. Available at *https://emergency.cdc.gov/han/han00384.asp* (last accessed February 22, 2021).

[15] U.S. Drug Enforcement Administration (DEA), *National Forensic Laboratory Information System: Special Maps Release. Tracking Fentanyl and Fentanyl-Related Substances Reported in NFLIS-Drug by State, 2016–2017.* Washington, DC: Department of Justice at 2, Available at: *https://www.nflis.deadiversion.usdoj.gov/DesktopModules/ReportDownloads/Reports/NFLISDrugSpecialRelease-Fentanyl-FentanylSubstancesStateMaps-2016-2017.pdf.*

[16] U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, *Morbidity and Mortality Weekly Report: Drug and Opioid-Involved Overdose Deaths—United States, 2013–2017,* Vol. 67, Nos. 51 & 52, 1419–27 (January 4, 2019), available at *https://www.cdc.gov/mmwr/volumes/67/wr/mm675152e1.htm* (last accessed, June 17, 2019).

[17] *Id.*

Opioid Crisis declared a public health emergency under the Public Health Services Act.[18] Subsequently, on October 26, 2017, the Secretary of Health and Human Services made a determination that a public health emergency existed nationwide as a result of the consequences of the opioid crisis. This determination of a public health emergency has been consistently renewed and remains active. Renewals are located on the Public Health Emergency website.[19] The COVID–19 pandemic has only intensified this public health crisis as the rate of overdose deaths has sharply increased during the pandemic and synthetic opioids (primarily illicitly manufactured fentanyl) appear to be the primary driver of the increases in overdose deaths.[20] According to the CDC, the pandemic has accelerated drug overdose deaths, resulting in over 81,000 drug overdose deaths in the 12-month period ending in May 2020 (CDC 2020). CDC notes that ''synthetic opioids (primarily illicitly manufactured fentanyl) appear to be the driver,'' increasing 38.4 percent relative to the prior year. Ten western states reported a more than 98 percent increase in synthetic opioid-involved deaths over the same period.[21]

Synthetic opioids circulating in the United States generally originate internationally (principally from China and Mexico) and arrive into the United States through the international mail system, express consignment carriers, cross-border smuggling operations, and other means.[22] CBP is responsible for screening inbound international mail for and removing packages with dangerous goods (including but not limited to opioids) from the mail stream before delivery to intended recipients in the United States. The number of packages flowing through the international mail system has increased dramatically in recent years due to the proliferation of e-Commerce and an increase in the threshold value of goods that can be imported into the United States free of duties and taxes.[23] This increased volume of parcels coupled with the urgency of the opioid epidemic requires that CBP utilize its resources more effectively to target and intercept packages with illegal goods. Despite this increase in the volume of mail, there is currently no requirement in the CBP regulations regarding the transmission of AED for mail shipments. To fulfill the STOP Act mandate to stem the flow of deadly opioids and to facilitate the interdiction of suspect packages, CBP is establishing in this rule requirements for USPS to transmit certain AED for inbound international mail shipments. The required AED will also enable CBP to better target and identify all risky mail shipments and is expected to disrupt the supply chain of illegal opioids and other dangerous goods. The current lack of required AED for mail shipments presents a security gap that could be exploited by bad actors because it hinders CBP's ability to effectively target for dangerous goods before they enter the commerce of the United States. Requiring AED for mail shipments will enhance the security of the supply chain with respect to international mail shipments and help close this security gap by giving CBP adequate time and information necessary to perform targeted risk assessments geared towards interdicting dangerous goods before they enter the U.S. mail system.

B. Statutory and Regulatory History

1. Statutory History

Congress has long recognized that the provision of AED for imported cargo shipments is an essential security tool which enables CBP to perform advance targeting before the shipments arrive in the United States, and has authorized CBP to prescribe regulations that mandate the provision of AED.

Section 343(a) of the Trade Act of 2002 authorizes CBP to promulgate regulations, in accordance with certain parameters,[24] providing for the mandatory transmission of cargo information by way of a CBP-approved electronic data interchange (EDI) system before the cargo is brought into or departs the United States by any mode of commercial transportation. The required cargo information is that which is reasonably necessary to enable high-risk cargo to be identified for purposes of ensuring cargo safety and security, pursuant to the laws enforced and administered by CBP.

Section 203 of the Security and Accountability for Every Port Act of 2006 (Pub. L. 109–347, 120 Stat 1884) (SAFE Port Act), requires the Secretary of Homeland Security, acting through the Commissioner of CBP, to promulgate regulations requiring the electronic transmission of additional data elements for improved high-risk targeting, including appropriate security elements of entry data for cargo destined to the United States by vessel. These electronic data elements are required prior to loading the cargo on vessels at foreign seaports.

Most recently, on October 24, 2018, Congress enacted the ''Substance Use—Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act'' (SUPPORT for Patients and Communities Act). Public Law 115–271. Title VIII of this law is the ''Synthetics Trafficking and Overdose Prevention Act of 2018'' (STOP Act), which mandates certain actions regarding mail.[25] Section 8003 of the STOP Act amends section 343(a)(3)(K) of the Trade Act of 2002, to require DHS to prescribe regulations mandating that USPS transmit certain advance electronic information for international mail

[18] *Establishing the President's Commission on Combating Drug Addiction and the Opioid Crisis,* 82 FR 16283 (Apr. 3, 2017) (Executive Order 13784 of March 29, 2017).

[19] *See https://www.phe.gov/emergency/news/healthactions/phe/Pages/opioid-2april2020-aspx.aspx* and *https://www.phe.gov/emergency/news/healthactions/phe/Pages/opioid-24jan2020.aspx;* see also, *https://www.phe.gov/newsroom/Pages/healthactions.aspx.*

[20] Centers for Disease Control, Press Release, *Overdose Deaths Accelerated During COVID–19: Expanded Prevention Efforts Needed,* December 17, 2020, available at *https://www.cdc.gov/media/releases/2020/p1218-overdose-deaths-covid-19.html* (last accessed February 20, 2021).

[21] *Id.*

[22] Fentanyl from China generally enters the United States in one of two ways: It is either shipped directly to the United States or is sent to Canada or Mexico before being trafficked across the border. Mexico also sources fentanyl locally. Fentanyl originating from China is highly pure, while the drugs sourced from Mexico are largely impure. U.S. Department of Justice, Drug Enforcement Administration, *2018 National Drug Threat Assessment,* DEA–DCT–DIR–032–18, pp. 33–36 (Oct. 2018), available at *https://www.dea.gov/sites/default/files/2018-11/DIR-032-18%202018%20NDTA%20final%20low%20resolution.pdf* (last accessed, February 20, 2021); *see also* U.S. Department of Justice, Drug Enforcement Administration, *2019 National Drug Threat Assessment,* DEA–DCT–DIR–007–20 (Dec. 2019), available at *https://www.dea.gov/sites/default/files/2020-01/2019-NDTA-final-01-14-2020_Low_Web-DIR-007-20_2019.pdf* (last accessed, February 20, 2021.

[23] Interim final rule, Administrative Exemption on Value Increased for Certain Articles, 81 FR 58831 (Aug. 26, 2016); *see also* De Minimis Value Increases to $800. CBP News Release, dated March 11, 2016, available at *https://www.cbp.gov/newsroom/national-media-release/de-minimis-value-increases-800* (last accessed, June 16, 2019).

[24] Section 343(a)(3) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)) provides parameters for developing regulations under the Act, such as consulting parties likely to be affected by the regulations, considering existing commercial practices, and taking into account the extent to which the technology necessary for parties to transmit the information is available.

[25] Section 8002 of the STOP Act imposes new payment requirements for items that are sent to the United States through the international postal network by Inbound Express Mail service (EMS). This section also requires the Secretary of the Treasury to prescribe new regulations in this regard. The regulations to implement section 8002 of the STOP Act was the focus of a separate CBP and Department of the Treasury rulemaking. 85 FR 47018 (Aug. 4, 2020).

shipments to CBP.[26] This rule implements the AED requirements set forth in the STOP Act.[27]

2. Regulatory History

The AED requirements as currently provided in CBP's regulations pursuant to the Trade Act of 2002 and the SAFE Port Act are described below. They generally require the carrier or other eligible parties to provide certain AED to CBP. The specific requirements vary by mode of transportation.

i. Trade Act of 2002 Implementing Regulations

On December 5, 2003, CBP published a final rule in the **Federal Register** (68 FR 68140) to effectuate the provisions of the Trade Act of 2002 (Trade Act final rule). The Trade Act final rule amended the regulations in title 19, Code of Federal Regulations (CFR), to require carriers or other eligible parties to submit certain electronic data for cargo in advance, *i.e.,* AED. The required time frame varies depending on the mode of transportation:

- For vessel cargo, the AED must be received by CBP 24 hours before the cargo is laden aboard the vessel at the foreign port. 19 CFR 4.7.
- For air cargo, the AED must be received by CBP either: (1) No later than the time of the departure of the aircraft for the United States,[28] in the case of aircraft that depart for the United States from any foreign port or place in North America, including locations in Mexico, Central America, South America (from north of the Equator only), the Caribbean, and Bermuda; or (2) no later than 4 hours prior to the arrival of the aircraft in the United States, in the case of aircraft that depart for the United States from any foreign area other than that specified in 19 CFR 122.48a(b)(1). 19 CFR 122.48a(b)(1).
- For rail cargo, the AED must be received by CBP no later than 2 hours prior to the cargo reaching the first port of arrival in the United States. 19 CFR 123.91.
- For truck cargo, the AED must be received by CBP no later than either 30 minutes or 1 hour prior to the carrier's reaching the first port of arrival in the United States, or such lesser time as authorized, based upon the CBP-approved system employed to present the information. 19 CFR 123.92.

To date, no rule has been published that extends the advance electronic cargo information mandate to USPS shipments.

ii. SAFE Port Act and ISF Regulations

Pursuant to section 203 of the SAFE Port Act, and section 343(a) of the Trade Act of 2002, on November 25, 2008, CBP published an interim final rule in the **Federal Register** (73 FR 71730), requiring importers (referred to as ISF importers) and carriers to submit additional information pertaining to cargo before the cargo is brought into the United States by vessel.[29] This became known as the Importer Security Filing or ''ISF'' rule. The ISF rule was silent on whether it covered mail shipments or whether USPS is considered to be an ISF importer. To date, CBP has not required ISF information from USPS.

iii. ACAS Regulations

To address ongoing aviation security threats, on June 12, 2018, CBP published an interim final rule in the **Federal Register** entitled, ''Air Cargo Advance Screening (ACAS)'' (83 FR 27380), which amended the CBP Trade Act regulations to implement a mandatory ACAS program. Under this program, specified AED must be submitted to CBP for air cargo transported onboard U.S.-bound aircraft as early as practicable, but no later than prior to loading of the cargo onto the aircraft. *See* 19 CFR 122.48b(b)(1). The party submitting the initial ACAS data must also update the initial filing if any submitted data changes or more accurate data becomes available, up until the timeframes specified in 19 CFR 122.48a(b) for submitting advance information under 19 CFR 122.48a(a). *See* 19 CFR 122.48b(b)(2). The required ACAS data is a subset of the data required under 19 CFR 122.48a. The ACAS program enhances the security of the aircraft and passengers on U.S.-bound flights by enabling CBP to perform targeted risk assessments on the air cargo earlier, namely, prior to the aircraft's departure for the United States. These risk assessments aim to identify and prevent high-risk air cargo from being loaded on the aircraft that could pose a risk to the aircraft during flight.

iv. Mail Importation Regulations

Title 19 CFR part 145 contains the specific requirements and procedures for the importation of mail subject to customs examination. These regulations are discussed in section III.C (AED and the Mail System), below. There is currently no AED requirement for mail shipments in 19 CFR part 145.

C. AED and the Mail System

Currently, the AED requirements described in section III.B. (Statutory and Regulatory History) above have not been applied to items being shipped via the international mail system. This is due to unique circumstances that pertain to international mail shipments that do not exist for non-mail shipments. Specifically, there are different processes, technologies, and international agreements that apply to international mail shipments that are not applicable to non-mail shipments. These differences must be taken into account in developing AED requirements for international mail. This rule establishes AED requirements for international mail that take its unique circumstances into account. CBP has consulted with USPS in the development of this rule.

The sections below describe in detail the CBP requirements and processes for mail shipments, the international transmission of AED and USPS's transmission of that AED to CBP.

1. The International Mail System for Inbound U.S. Mail

International mail destined for the United States is customarily collected at origin country local branches (*i.e.,* local post offices) of foreign postal operators (FPOs), moved to larger international mail processing centers (IMPCs),[30] sorted and loaded for transport to the

[26] Sec. 802, Consolidated Appropriations Act, 2021, Public Law 116–260 (Dec. 27, 2020), further amended certain provisions of the Trade Act of 2002, such that during the period beginning on January 1, 2021, through March 15, 2021, the Postmaster General may accept a shipment without transmission of AED if the Commissioner determines, or concurs with the determination of the Postmaster General, that the shipment presents a low risk of violating any relevant United States statutes or regulations, including statutes or regulations relating to the importation of controlled substances such as fentanyl and other synthetic opioids.

[27] In keeping with the requirements of the Trade Act of 2002, these regulations are developed in adherence to the parameters set forth in section 343(a)(3) of the Trade Act of 2002 (19 U.S.C. 1415(A)(3)).

[28] The trigger time is no later than the time that wheels are up on the aircraft, and the aircraft is en route directly to the United States. 68 FR 68140; *see also,* 19 CFR 122.48a(b).

[29] The ISF requirements apply to vessels and are requirements in addition to what is required pursuant to the Trade Act rule. In general, ISF importers must submit the required information 24 hours before the cargo is laden aboard the vessel at the foreign port. In general, carriers are required to provide stow plan information 48 hours after the vessel departs from the last foreign port, or for voyages less than 48 hours, prior to arrival. *See* 19 CFR part 149 (AED requirements for ISF importers) and 19 CFR 4.7c (AED requirements for carriers); *see also* 19 CFR 4.7d.

[30] In the United States, IMPCs are referred to as ''International Mail Facilities'' or IMFs. In this document, we use the term IMPC where the reference is to a facility located outside the United States and the term IMF when the reference is to a facility located within the United States.

United States.[31] Most mail is transported to the United States in the cargo portion of commercial carrier flights, although some mail may be transported via sea, rail, or land. IMPCs communicate the pending arrival of mail shipments via an automated messaging system described in further detail below. Mail arrives in the United States at a CBP port of arrival. After arrival it is transferred to an International Mail Facility (IMF) or International Service Center (ISC) for processing and inspection by USPS and CBP.[32] Once mail is cleared by CBP, it enters the domestic mail stream.[33]

The international mail system is governed by the Universal Postal Union (UPU). The UPU was established in 1874 and has its headquarters in Berne, Switzerland. It is a specialized agency of the United Nations that governs the international movement of mail amongst its over 190 member countries under the Universal Postal Convention. Members of the UPU agree to provide a ''single postal territory'' for international mail, which involves responsibility for sending and receiving international mail across a global network of cooperating posts. The UPU establishes the rules for international mail exchange among its members and provides technical assistance to improve the quality of postal services. It is the primary forum for cooperation between postal sector entities across a global network of posts. The United States is a member of the UPU. Pursuant to 39 U.S.C. 407, the Department of State, in collaboration with USPS represents the United States at the UPU.[34] USPS is the designated postal operator in the United States and is required to accept and deliver inbound international mail on behalf of foreign postal operators.

Both documents and goods may be transported through the international mail system. There are four main classes of mail relevant to this rule, described in more detail in section IV.B (Definitions) and C (Mandatory Advance Electronic Data (AED)): *Letter class mail—documents, Letter class mail—goods* (also referred to as ''small packets''), Parcel post, and Express Mail Service (EMS).[35] Most countries, including the United States, impose customs requirements only on packages containing goods. For these, customs declaration forms with specific data requirements agreed to at the UPU are used worldwide.[36] For the most part, the international mail process is paper-based and involves the sender providing information to an FPO using paper forms that are affixed to the package and the FPOs submitting that information/form to the destination post. In the case of the United States, the destination post is USPS. USPS in turn submits this information to CBP. In the electronic environment, information also travels between established postal networks and uses existing messaging standards. In order to require AED for mail shipments to the United States, FPOs first have to develop the capability to provide AED to USPS. Until recently, that capability was non-existent. However, in recent years, a number of FPOs, as well as the United States, have been moving towards providing AED for mail, and USPS has been actively pursuing data sharing agreements with several countries that would require the mutual transmission of AED. Concurrently, the UPU has developed a Customs Declaration System (CDS) that can be used by any country to collect and transmit customs data and the United States has been assisting with capacity building efforts. As a result of the STOP Act and other international efforts to require AED for international mail, the capability and the provision of AED for international mail shipments has been increasing and is now likely to be accelerated.

In general terms, all international mail arriving into the United States is subject to examination by CBP. Initially, all packages enter the mail facility through a portal designed to detect radiation. Once inside the facility, a subset of packages is targeted for additional non-intrusive inspection, and a subset of these undergoes further visual inspection by CBP officers. Due to the large volume of mail arriving in the United States on a daily basis, it is not feasible for CBP to inspect every package for illegal or dangerous items. Therefore, CBP has established protocols to determine which packages it will consider for inspection based on intelligence surrounding known risks, referred to as targeting.

As noted above, the United States and various other members of the UPU have improved technical capabilities to provide AED in the postal environment in recent years. At present, a number of FPOs collect and share AED with USPS voluntarily or on the basis of mutual agreements. The AED generally includes the same information collected on the customs declarations forms for mail.[37]

Since 2014, USPS and CBP have been engaged in a pilot program at various IMFs to use the inbound AED collected by USPS to develop more automated and sophisticated targeting systems. The pilot program is described in more detail in section III.C.5 (Current USPS Transmission of AED to CBP). AED allows CBP to target based on information customarily provided by the sender on the customs declarations forms. This information is received by USPS, which in turn provides it to CBP. CBP officers analyze the information at targeting facilities, including the CBP Office of Field Operations National Targeting Center (NTC), and at IMFs in the United States. This electronic data-driven approach is expected to result in better targeting of packages most likely to contain illegal goods. Moreover, because AED data can be analyzed prior to the arrival of a package at the IMF, the provision of AED will enable CBP to place a hold request on a package in time for USPS to prepare its systems to locate the package. While CBP expects to utilize AED targeting alongside other risk assessment methods and random inspections, the mandatory provision of AED will enable more sophisticated and

[31] For further information about IMPCs see: *http://www.upu.int/en/activities/standards/impcs.html.*

[32] IMFs are CBP facilities. USPS has a presence at each IMF. At four of the IMFs USPS operates a major ISC.

[33] The mail inspection process is described in detail in sections III.C.1 (The International Mail System for Inbound Mail) and III.C.5 (Current USPS Transmission of AED to CBP).

[34] Pursuant to 39 U.S.C. 407, the Secretary of State is responsible for the formulation, coordination and oversight of foreign policy related to international postal services, and has the power to conclude postal treaties, conventions and amendments related to the same. In addition, in carrying out the aforementioned responsibilities, the Secretary of State shall coordinate with other agencies as appropriate, and include appropriate liaison with the USPS. See 39 U.S.C. 407(b).

[35] As noted earlier, the UPU uses slightly different terminology, *i.e.,* letter post rather than letter class, however, in order to remain consistent with existing CBP regulations, this rule will use the term letter class.

[36] Specifically, the UPU forms CN 22 and 23 as described in the Acts of the UPU (which include the UPU Constitution, General Regulations, Convention, Convention Regulations, and Postal Payment Services Agreement). The United States requires a customs declaration on certain incoming mail, as set forth in 19 CFR part 145, subpart B. The forms CN 22 and CN 23, provided by the foreign postal operators to the sender, are used for such purpose. As such, the forms indicate the sending country. In general terms, the CN 22 requires, inter alia, the item ID (barcode), sender name, address (a sender may also provide a telephone/fax/email), recipient name and address, description of contents, quantity, weight, and value, conditionally requires the HS Tariff number, country of origin and comments (*e.g.* whether goods are subject to quarantine, sanitary/phytosanitary inspection or other restrictions), and contains a section for the mailing office to place a date stamp, thus providing the mailing date. The CN 23 is required for items valued over $300. The CN 23 requires the same information as the CN22, as well as postal charges/fees, conditionally requires a license number, certificate number and invoice number, optionally requires the importer's reference number and telephone/email.

[37] Currently, these are usually the UPU forms CN 22 and CN 23.

efficient targeting moving forward. As the volume of mail received in the United States steadily rises, the ability to target better and more efficiently is of critical importance.

2. Current CBP Regulatory Requirements for Mail Shipments to the United States

Title 19 CFR part 145 contains the specific requirements and procedures for the importation of mail subject to CBP examination. Currently, the focus of these regulations is on duties and entry requirements and it does not include an AED requirement for mail shipments. This rule amends the existing regulations to add a new subpart G to part 145 to cover AED for mail shipments. Several sections included in part 145 are relevant to this rule.

Section 145.1 provides definitions for *mail article* and *letter class mail.* A *mail article* is any posted parcel, packet, package, envelope, letter, aerogramme, box, card, or similar article or container, or any contents thereof, which is transmitted in mail subject to customs examination. *Letter class mail* is any mail article, including packages, post cards, and aerogrammes, mailed at the letter rate or equivalent class or category of postage. This rule adds some new definitions in the new subpart G that are relevant to the AED provisions, including definitions of *letter class mail—documents* and *letter class mail—goods.* Pursuant to § 145.11(a), a clear and complete Customs declaration on the form provided by the foreign post office, giving a full and accurate description of the contents and value of the merchandise, must be securely attached to at least one mail article of each shipment. Currently, this requirement is satisfied by attaching a UPU declaration form. This requirement generally does not apply to *letter class mail—documents.*

The above provisions will continue to apply to 19 CFR part 145, including the new subpart G regarding AED.

3. Process for Mail Shipments to the United States

Most international mail comes to the United States by air, although it can be transported by any mode of transportation. The mail process is briefly described below.

International mail is generally subject to customs control and eligible mail items are accompanied by paper forms.[38] After receipt of the mail item with paper forms that satisfy the requirements of 19 CFR 145.11,[39] the FPO assigns it to a labeled receptacle, typically a bag or tray. Receptacles are then assigned to a dispatch. A dispatch is a shipment of receptacles of the same mail category and class sent from one post to another. A dispatch may consist of only one receptacle (*e.g.,* bag or tray) or may consist of several, depending on the volume of mail at the time. Each dispatch is accompanied by a paper bill describing the dispatch.[40] This ''dispatch level information'' includes information relating to the origin and destination post, dispatch number, date of departure of the transporting conveyance, scheduled international mail facility, total weight of dispatch, and similar information for receptacles contained within the dispatch.[41] Individual receptacles of a dispatch do not always stay together as they progress through the supply chain. The FPO hands over the receptacles to the transporting carrier, along with dispatch level information on the mail to be conveyed.[42] The carrier does not receive any item level information about the contents or other data about mail items in the receptacles.

The carrier assigns receptacles to a specific transport—referred to as a consignment—regardless of the dispatch (or dispatches) to which the receptacles belong. The transporting carrier, pursuant to CBP manifest requirements, manifests the shipment as receptacles of mail. Upon arrival in the United States at a CBP port of arrival the mail is transferred to an IMF or ISC for processing and inspection by USPS and CBP.[43] USPS scans the barcoded receptacle IDs, opens the receptacles, and scans the barcoded mail as received. USPS is generally required to present all inbound mail to CBP for inspection. CBP then selects mail for inspection based on its risk determinations, as described above. Subject to certain exceptions, CBP can open any mail item and hold it for further examination or review. Once the mail is cleared, CBP returns it to USPS to be introduced to the domestic USPS network and delivered to its final destination.

As described further in section III.C.5 (Current USPS Transmission of AED to CBP), USPS transmits AED to CBP only in those cases where the sending FPO has an agreement with USPS and USPS actually receives AED, and where the pilot program between CBP and USPS for the transmission of such AED is operational. In cases where CBP does not receive AED for a mail shipment, the only information CBP receives is on the paper forms affixed to the package.[44] This means that CBP generally only gets an opportunity to access this information when the mail shipment is physically presented. This paper process does not provide sufficient time for CBP to evaluate risks in advance or even after the items have been presented, due to the steadily increasing volume of mail reaching the United States and the need for speedy clearance for domestic distribution of the mail.

4. International Framework for the Provision of AED for Mail Shipments

In 2012, with strong U.S. encouragement, the UPU resolved to advance an international mail security model that would rely on the provision of AED, adopting Article 8 (Postal Security) of the Universal Postal

[38] These are UPU Forms CN 22 and 23. For examples of the CN 22 and CN 23 forms, see the WCO–UPU Postal Customs Guide, Universal Postal Union (June 2014) at pages 31, 33, found at *http://www.upu.int/en/activities/customs/wco-upu.html.* See also, footnote 36. Letters and papers sent letter class mail to the United States are generally not subject to customs control.

[39] These are the UPU forms CN 22 and CN 23. For more information, see footnotes 36 and 40.

[40] These are the UPU forms CN 31 letter bill, CN 32 letter bill for bulk mail or CP 87 parcel bills. See *http://www.upu.int/en/activities/letter-post/form-completion-instructions.html, http://www.upu.int/en/activities/parcels/form-completion-instructions.html* (last accessed July 24, 2019).

[41] In UPU terms, when this information is transmitted electronically, it may be referred to as ''pre-advice of dispatch'' or PREDES. As described in section IV (Mandatory AED for Mail Shipments) below, the U.S. receives this information electronically, *i.e.,* as PREDES, in situations where the USPS–CBP pilot is active and a data sharing agreement exists between the United States and the origin post.

[42] In UPU terms, this dispatch level information conveyed to the carrier is referred to as ''carrier/documents international transport advice.'' The information is provided via copies of the paper Delivery Bills CN 38 and CN 41, or the equivalent electronic message referred to by the UPU as CARDIT. The information contains dispatch level information similar to the information the destination post receives, as well as the origin post's expectation of the transport service for the consignment of mail receptacles assigned to the carrier.

[43] The USPS has nine international mail processing facilities in the United States. Five of these facilities are designated as International Service Centers (ISCs) and they process inbound international mail originating from, and dispatch outbound international mail destined to, foreign countries. The five ISCs are located in: New York City, New York; Miami, Florida; Los Angeles, California; San Francisco, California; and Chicago, Illinois. USPS also receives international mail in four smaller facilities in Honolulu, Hawaii; Newark, New Jersey; San Juan, Puerto Rico; and St. Thomas, U.S. Virgin Islands. In this rule, we will refer to USPS facilities collectively as ''mail facilities'' unless it is necessary to make a specific reference to an ISC. Separately, CBP has nine International Mail Facilities (IMFs), located at or near the USPS mail facilities, in: New York City, New York; Miami, Florida; Los Angeles, California; San Francisco, California; Chicago, Illinois; Honolulu, Hawaii; Newark, New Jersey; San Juan, Puerto Rico; and St. Thomas, U.S. Virgin Islands. In our document, we will refer to the CBP facilities as IMFs.

[44] As noted earlier, these are the UPU forms CN 22 and CN 23. For more, see footnotes 36 and 40.

Convention to provide for the exchange of AED, effective January 1, 2014.[45] As a result, the UPU established an AED task force to help guide and accelerate programs necessary to advance the provision of AED by the UPU membership. This entailed the member countries' agreeing on a standardized AED message format, having the UPU develop Information Technology (IT) systems capable of transmitting AED, and fostering efforts to build capacity by providing these IT systems (and training) to postal operators in need of them. These efforts have increased the adoption of AED exchanges among UPU members and have made it easier for countries to participate. The UPU and its member countries continue to move towards making AED mandatory if required by destination customs and/or security authorities.

Separately, the World Customs Organization (WCO)[46] SAFE Framework of Standards of 2015[47] provides standards on implementing a Pre-loading Advance Cargo Information (PLACI) regime as an additional layer of security for air cargo and mail shipments. Specifically, a PLACI regime includes the submission of pre-loading data (7+1 data elements)[48] by various entities in the air cargo supply chain, including ''Postal Operators,'' as soon as the information becomes available, but no later than prior to loading the cargo/mail shipment onto the aircraft.[49] The goal is to ensure a harmonized approach towards the implementation of the PLACI regimes, so that Members may align their efforts to the fullest extent possible.

The AED requirements set forth in this rule are consistent with these international programs.

5. Current USPS Transmission of AED to CBP

Since the enactment of the Trade Act of 2002, the United States and a number of other industrialized countries have improved their technical capabilities to provide AED. AED for inbound international mail is made possible by FPOs collecting and sharing the data with USPS voluntarily, through bilateral or multilateral agreements. In order to receive AED from a foreign post, USPS needs to sign a data sharing agreement that sets out the appropriate data formats to be used, privacy considerations, and regulatory requirements. USPS has leveraged its provision of AED for outbound shipments to incentivize FPOs to provide AED for inbound shipments. Additionally, USPS has prioritized obtaining AED from the largest volume FPOs, which collectively account for more than 90 percent of all inbound volume. Currently, USPS has data sharing agreements with about 150 foreign postal operators, though such data sharing agreements do not imply that a foreign post is actually tendering data to USPS. Such agreements rather provide a mechanism for the exchange of such data were it to occur.

Currently, USPS adheres to global standards established by the UPU for the particular data element requirements for the AED it collects. These data elements include item information[50] (referred to by the UPU as ITMATT, which is the Item Attribute EDI message standard) such as the sender's full name and address (including full business name), the recipient's full name and address, the stated content description, unit of measure, and the quantity, weight, value, and date of the mailing.[51] The data also includes receptacle and flight arrival information (referred to by the UPU as PREDES).[52] As detailed in section IV.C.4.a (Item Attribute Information), with the exception of the elements declared value and designated operator, the required data elements are comparable to the information CBP requires under ACAS and the Trade Act of 2002 implementing regulations.[53] In general, under the pilot FPOs are required to submit AED up to four hours prior to loading. The pilot is discussed in greater detail below.

USPS and CBP began a pilot program in 2014 at the New York IMF to use the inbound AED that USPS collects as detailed above to facilitate more automated and advance targeting by CBP. Starting in 2015, similar pilot programs and targeting based on AED have been expanded to include seven IMFs. Concurrently, on September 1, 2017, CBP and USPS signed a Memorandum of Understanding (MOU) in which both agencies agreed to collaborate together on day-to-day operations, strategic planning, and other initiatives related to the inspection of goods imported and exported through the mail, including the transmission of AED.[54] To date, the pilots cover seven IMFs, and pursuant to these pilots USPS transmits AED to CBP on incoming mail, assuming it is provided with the AED by the FPO. The pilots are voluntary and even FPOs with agreements with the USPS do not provide AED on all mail sent to the United States and there are no consequences for non-compliance.

Pursuant to the pilot, if USPS receives AED, USPS provides CBP with that AED via electronic message files from the USPS Electronic Manifest-Central Database (EM–CDB) system to CBP's Automated Targeting System (ATS)[55] to enable CBP to review and target specific high-risk mail items prior to their arrival in the United States. AED allows CBP to target based on the same information provided by the sender on the customs declarations forms (including sender

[45] Joint WCO–UPU Guidelines on the Exchange of Electronic Advance Data (EAD) Between Designated Operators and Customs Administrators, at 12, available at *http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/joint-wco-upu-guidelines.aspx* (last accessed July 31, 2019).

[46] The World Customs Organization (WCO) is an independent intergovernmental body with a mission to enhance the effectiveness and efficiency of Customs administrations. The WCO provides a forum for dialogue between national Customs delegations, technical assistance and training. It is also a global center of customs expertise in all modes of traffic, including postal traffic. WCO–UPU Postal Customs Guide, Universal Postal Union (June 2014) at page 6.

[47] Acronym for Framework of Standards to Secure and Facilitate Global Trade (''SAFE Framework of Standards'').

[48] The shipper name and address (referred to as the consignor per the WCO guidelines), consignee name and address, cargo description, piece count, weight and the air waybill number. See Annex III of the SAFE Framework of Standards.

[49] Representative PLACI regimes include the United States Air Cargo Advance Screening (ACAS), Canada Pre-load Air Cargo Targeting (PACT), and European Union Pre-load consignment information for secure entry (PRECISE).

[50] This item information is the same information collected using UPU forms CN 22 and 23 in the paper environment. For additional information, see Section III.C.1 (International Mail System for Inbound Mail) and footnotes 36, and Section III.C.2 (Current CBP Requirements for Mail Shipments to the U.S.) and footnote 40.

[51] *See generally,* Joint WCO–UPU Guidelines on the Exchange of Electronic Advance Data (EAD) Between Designated Operators and Customs Administrators, available at *http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/joint-wco-upu-guidelines.aspx* (last accessed July 24, 2019).

[52] This information is the same information collected using UPU forms CN 31, 32 and 87 in the paper environment. For additional information, see Section III.C.2 (Current CBP Requirements for Mail Shipments to the U.S.) and footnotes 40, 41, and 42.

[53] As noted previously, the element relating to declared value is required on the customs declarations forms. The designated operator generally appears on these forms. (Designated operator is the entity officially designated by a member country of the UPU to operate postal services and fulfill its treaty obligations to the UPU and is usually the entity that issues the declaration forms. For example, in the United States, the designated operator is USPS and is reflected on the USPS declaration forms for use by senders mailing items to destinations outside the United States. Similarly, the declaration forms for mail coming to the United States generally reflect the designated operator of the sending post/country).

[54] The MOU was updated in June 2019 and again in December 2020.

[55] The CBP Automated Targeting System (ATS) is the system of data CBP currently uses for this purpose.

name, recipient name, and the contents of the package), except in the AED environment this information is provided in advance in electronic form. This AED is analyzed by CBP officers at IMFs using locally developed algorithms as well as intelligence linked to their system from the NTC and local law enforcement. For example, CBP officers may flag a package being sent by a known distributor of illicit drugs. CBP identifies the individual target items by placing what is called an electronic hold on the item. An electronic hold is transmitted to USPS using a secure file transfer protocol between CBP and USPS that is automated and takes place in near real-time. USPS then uses its barcode tracking and scanning system to locate the inbound targeted high-risk items with electronic holds. The holds are executed at the USPS mail facilities, downstream plants or delivery units. Once located, USPS presents the targeted items to CBP for inspection.

The USPS–CBP AED pilot programs, which are voluntary and depend upon mutual agreement with some, but not all FPOs, will be replaced by the AED regulatory program when this rule takes effect. After implementation of the rule, the AED requirement will be mandatory and enforceable.

IV. Mandatory AED for Mail Shipments

To fulfill the STOP Act mandate to stem the flow of deadly opioids and to facilitate the interdiction of suspect packages, CBP is establishing requirements for USPS to transmit certain AED for inbound international mail shipments. This AED consists of two elements—''Item attribute information'' and ''Pre-advice of despatch information''.

Item attribute information is the information about the attributes (characteristics) of mail items and their contents already collected through the customs declaration forms, including the contents and value of the goods in the package as well as sender and recipient information.[56] USPS will collect this information from its counterparts at foreign posts through existing ''ITMATT'' electronic messages.

Pre-advice of despatch information is information about the shipment (''dispatch'' or ''despatch'')[57] of mail receptacles of the same category and class sent from one post to another that includes the mail item. This information relates to the movement of the package by a carrier and is information of the type customarily collected by USPS via letter or parcel bills,[58] including the scheduled date and time of arrival in the United States, transportation information (*e.g.,* carrier, flight number, voyage number), and destination IMF.[59] USPS will collect this information from its counterparts at foreign posts through existing ''PREDES'' electronic messages.

Obtaining this ITMATT information and the dispatch level information as AED will enable CBP to better identify, target and mitigate high-risk mail shipments.

Taking into account how the international mail process works, these requirements are comparable to the requirements for the transmission of AED imposed on similar non-mail shipments and are consistent with the requirement in section 343(a)(3) of the Trade Act of 2002 (19 U.S.C. 1415) that regulations developed under the Act consider certain parameters.[60] As described in section III.B (Statutory and Regulatory History), CBP's AED requirements for non-mail shipments vary depending on the mode of transportation and generally require the carrier to transmit the information to CBP. However, the requirements for transmission of AED for mail shipments must follow the international postal framework which does not vary based on mode of transportation. Additionally, the STOP Act specifically provides that USPS must provide AED for mail shipments to CBP.[61] For non-mail, the AED requirements generally pertain to carriers and other eligible parties. Accordingly, the AED requirements set forth in this rule are comparable to the AED requirements for non-mail. These AED requirements will be the only AED requirements applicable to USPS for inbound international mail shipments at this time.

In order to implement mandatory AED for mail shipments, CBP must adhere to the parameters applicable to the development of regulations under section 343(a) of the Trade Act of 2002. While public health, safety and national security are paramount, the Trade Act of 2002 parameters require CBP to give due consideration to the concerns of the affected parties and the flow of commerce. These parameters include, among others, provisions requiring consultation with the affected parties and consideration of the differences in the practices among the different parties in comparable non-mail shipments. In addition, the parameters require that the information collected pursuant to the regulations be used for ensuring cargo safety and security, preventing smuggling, and commercial risk assessment targeting, and require CBP to balance the expected improvement in cargo safety and security with the impact of this information collection and targeting on the flow of commerce. The parameters also require that the obligations imposed must generally be upon the party most likely to have direct knowledge of the required information and mandate that if this is not feasible, that the obligations imposed take into account ordinary commercial practices for receiving data and what the party transmitting the information reasonably believes to be true. In developing the AED regulations, CBP has considered all of the parameters.

For this rule, USPS is the party responsible for providing AED to CBP. Throughout the development of the AED pilot and this interim final rule, CBP gathered information from the USPS about its business practices, the international mail system, and how to best formulate the mandatory AED requirements to take these business practices into consideration in developing a regulatory program that addressed the relevant security and public health concerns. As a result of these consultations, CBP has been able to develop AED regulations that, in accordance with the parameters of the Trade Act of 2002, balance the expected improvements in cargo safety and security with the impact of the regulations on the flow of commerce, and take into consideration existing standard business practices and interactions among stakeholders.

In developing these regulations, CBP also considered both the process and information flow with regard to the movement of international mail to the United States and international efforts

[56] For a more detailed discussion of this information as collected in the paper environment, see Section III.C.1 (International Mail System for Inbound Mail) and footnote 36, and Section III.C.2 (Current CBP Requirements for Mail Shipments to the U.S.) and footnote 40.

[57] Despatch is an international term of art used in UPU documentation. CBP has used the term here for consistency. The ''pre-advice of despatch information'' is usually referred to by its acronym PREDES in the AED format.

[58] The UPU forms CN 31, 32, and 87. For more information, see footnote 40.

[59] For a more detailed discussion of this information as collected in the paper environment, see Section III.C.2 (Current CBP Requirements for Mail Shipments to the U.S.) and footnotes 40, 41, and 42.

[60] The PAEA also mandates that CBP will afford comparable treatment to shipments of international mail that are competitive products, regardless of whether these are shipments by the Postal Service or shipments by private companies. *See* 39 U.S.C. 407.

[61] While the STOP Act requires regulations that require USPS to provide AED for international mail shipments to CBP, it does not preclude CBP from imposing requirements to obtain AED relating to international mail shipments from other appropriate parties, such as private carriers. *See* section 343(a)(3)(K)(viii) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(K)(viii)). This rule only addresses the AED that must be provided by USPS.

to develop AED requirements. As described in section III.C (AED and the Mail System), the information regarding the item to be shipped to the United States is provided by the foreign sender to the FPO, the FPO provides the information to USPS, and USPS provides the information to CBP. Although the current process for providing the data is often a paper-based process, under the provisions of this rule, the pertinent information must be provided by USPS to CBP electronically in advance, *i.e.,* as AED. It is important to note that the ITMATT data that USPS must provide to CBP electronically under this rule is the same data that USPS receives from the FPO via the customs declarations forms, which CBP is able to access when packages are presented for inspection.[62] Similarly, the PREDES data is the same information that USPS receives from the FPOs on certain UPU forms.[63] The key difference is that under this rule CBP will receive the data in electronic form prior to the arrival of the mail shipments, which will allow for sophisticated and more effective targeting than the pre-rule paper- based process. Under the pilot programs between CBP and USPS and when information sharing agreements exist between the USPS and other FPOs, USPS has also been providing this information, as well as PREDES information, electronically. However, under these arrangements, the furnishing of this advance information is voluntary and does not cover all mail shipments. Under this rule, the data must be transmitted electronically and in advance in *all* instances, subject to the graduated compliance provided for in the new regulations.[64]

As discussed in section III.C.4 (International Framework for the Provision of AED for Mail Shipments), in the international arena, various efforts are underway to provide for the exchange of AED. The AED referenced in Article 8 (Postal Security) of the Universal Postal Convention is the same type of data that is currently provided through paper forms. The pre-loading data provided pursuant to the WCO SAFE Framework of Standards PLACI regime is comparable to what USPS will be required to provide to CBP under this rule. Thus, the AED requirements in this rule are consistent with existing international programs.

To implement the AED requirements, CBP is adding a new subpart G to 19 CFR part 145, titled Mandatory Advance Electronic Data for Mail Shipments, and making certain conforming revisions to 19 CFR 145.0. Additionally, CBP is revising 19 CFR parts 4, 122, 123, and 149 to clarify that the AED requirements for mail importations are found in part 145.

A. New 19 CFR Part 145, Subpart G

The new subpart G of 19 CFR part 145, titled Mandatory Advance Electronic Data for Mail Shipments, adds three new sections to the regulations. New § 145.73 adds various definitions specific to the subpart. New § 145.74 provides details regarding the mandatory AED that CBP must receive from USPS. New § 145.75 provides the applicable penalties if USPS accepts a shipment in violation of the regulations.

B. Definitions

The new 19 CFR 145.73 provides definitions for terms as they are used in the new subpart G. Specifically, for purposes of this subpart the terms *Designated operator, Express Mail Service* or *EMS, International Mail Facility* or *IMF, Item ID,*[65] *Letter class mail—documents,*[66] *Letter class mail—goods, Parcel post,* and *Universal Postal Union* or *UPU* are defined as set out in the regulatory text below.

C. Mandatory Advance Electronic Data (AED)

1. General Requirements

The new AED regulation, 19 CFR 145.74, provides that pursuant to section 343(a)(3)(K) of the Trade Act of 2002 (Pub. L. 107–210, 19 U.S.C. 1415), as amended, for certain inbound international mail shipments, CBP must electronically receive from USPS within the specified time frames certain mandatory advance electronic data (AED) and updates thereto. Below, we describe the new program, including the types of inbound international mail shipments for which AED is required, the time frames for providing and updating AED, the required AED, the potential exclusion from AED requirements for mail shipments from specific countries, compliance dates, and the expected actions for shipments for which USPS has not complied with the AED requirements.

2. Types of Inbound International Mail Shipments for Which AED Is Required

The new 19 CFR 145.74(b) provides that CBP must electronically receive AED from USPS for inbound international mail shipments containing goods classified as Express Mail Service (EMS), Parcel post, or *Letter class mail—goods,* unless CBP has informed USPS that mail shipments from that specific country or countries are excluded from the AED requirements. AED is not required for *Letter class mail—documents* or for items for the blind consisting of correspondence, literature in whatever format including sound recordings, and equipment or materials of any kind made or adapted to assist blind persons in overcoming the problems of blindness (up to 7 kilograms). Each of these terms is defined in new § 145.73. Under this rule, AED will not be required for items sent as Parcel Post or EMS that do not contain goods. AED will also not be required for returned U.S. origin items, items transiting the U.S. in closed transit, items sent as U.S. domestic mail, or mail treated as domestic, including mail to or from APO, FPO, and DPO addresses, mail to or from U.S. territories and possessions, and mail, from or between the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. However, this exclusion does not preclude CBP's existing authority to inspect any of these shipments. The scope of the new requirements is comparable to the scope of the requirements for advance electronic information for non-mail shipments. Advance electronic information for non-mail shipments is not currently required for letters and documents by the regulations promulgated under the Trade Act of 2002, as detailed in the

[62] See footnote 36 for more details.

[63] As noted above in Section III.C.2 (Current CBP Requirements for Mail Shipments to the U.S.) and in footnotes 41 and 42, this ''dispatch level information'' includes information relating to the origin and destination post, dispatch number, date of departure of the transporting conveyance, scheduled international mail facility, total weight of dispatch, and similar information for receptacles contained within the dispatch. This information is provided to USPS via UPU forms CN 31, 32 and 87. In the AED environment, this is referred to as ''PREDES''.

[64] As provided in section 343 (a)(3)(K)(iv) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(K)(iv) and the new regulations, USPS will be required to provide AED on 100% of mail shipments no later than December 31, 2020.

[65] For example, the UPU Technical Standard S10. UPU standards (both technical and messaging) are available for purchase (subscription or individual copy) via the UPU website at *www.upu.int/en/activities/standards/about-standards.html.*

[66] As noted in section III.C.2 (Current CBP Regulatory Requirements for Mail Shipments to the United States), 19 CFR 145.1 provides definitions for *mail article* and *letter class mail.* 19 CFR 145.1(a) defines *mail article* as any posted parcel, packet, package, envelope, letter, aerogramme, box, card, or similar article or container, or any contents thereof, which is transmitted in mail subject to customs examination. 19 CFR 145.1(b) defines *letter class mail* as any mail article, including packages, post cards, and aerogrammes, mailed at the letter rate or equivalent class or category of postage. These definitions will not change as a result of this rulemaking. New 19 CFR 145.73 adds additional definitions relevant to the new AED regulations.

preamble to the Trade Act final rule. *See* 68 FR 68140, 68150 (Dec. 5, 2003).[67]

3. Time Frames for Providing and Updating AED

Under the Trade Act of 2002, as amended by the STOP Act, the time frame for submitting the AED for mail shipments must be as soon as practicable in relation to the transportation of the shipment, consistent with section 343(a)(3)(H) of the Trade Act of 2002. See 19 U.S.C. 1415(a)(3)(H).[68] The new 19 CFR 145.74(c) specifies the time frames for USPS to provide and update the AED. CBP must electronically receive from USPS the AED as soon as practicable, but no later than prior to loading the inbound international mail shipment onto the transporting conveyance. The *as soon as practicable but no later than prior to loading* time frame is the same time frame as in the ACAS regulations. *See* 19 CFR 122.48b(b)(1). Additionally, CBP must electronically receive from USPS updates to the AED, if any of the submitted data changes or more accurate data becomes available after USPS transmits the AED, up until the timeframes for AED updates set forth in the ACAS regulations in 19 CFR 122.48b(b)(2). The requirement to provide and update AED is the same as the current AED requirements for commercial cargo shipments. These time frames are consistent with the PLACI time frame of the SAFE Framework of Standards. In the interest of facilitating the objectives of the STOP Act and these regulations, USPS may continue to submit updates until the mail shipment arrives at the first CBP port of arrival in the United States.

4. Required AED

Under the Trade Act of 2002, as amended by the STOP Act, the required AED for international mail shipments is the information the Secretary determines is reasonably necessary to ensure cargo safety and security that is comparable to what is required for similar non-mail shipments, taking into account the parameters set forth in the Trade Act of 2002. The required AED is listed in the new 19 CFR 145.74(d). The AED that CBP must electronically receive from USPS within the specified time frames is the item attribute information and the pre-advice of despatch information, both described in more detail below. Some of this data is mandatory and other data elements are optional, but encouraged. The provided AED will only be used to the extent consistent with the Trade Act of 2002.

a. Item Attribute Information

The new 19 CFR 145.74(d)(1) sets forth the required AED categorized as item attribute information, that is, information about the attributes or characteristics of mail items and their contents. USPS receives the item attribute or ''ITMATT'' information from the origin post. USPS may then transmit this information to CBP in an electronic message that is the customs declaration equivalent to the paper declaration forms.[69]

The required data elements are listed below. An ''M'' next to any listed data element indicates that the data element is mandatory in all cases and an ''O'' next to the listed data element indicates that the data element is optional, but encouraged if available. The AED elements categorized as item attribute information are:

(1) Sender's Name (M);
(2) Sender's Address (M);
(3) Sender's Telephone/fax/email (O);
(4) Recipient's Name (M);
(5) Recipient's Address (M);
(6) Recipient's Telephone/fax/email (O);
(7) Detailed description of contents (M);
(8) Quantity (M);
(9) Weight (M);
(10) Item ID (M);
(11) Category of Item (gift, documents, sale of goods, commercial sample, merchandise, returned goods, other) (O);
(12) Declared Value (M) *;
(13) Date of Posting (O);
(14) Postal Charges/Fees (O);
(15) 10-digit HS Tariff Number (for commercial items) (O);
(16) Country of Origin of Goods (for commercial items) (O);
(17) Importer's reference (tax code, VAT number, importer number, etc.) (O);
(18) Importer's telephone/fax/email (O);
(19) License Number (O);
(20) Certificate Number (O);
(21) Invoice Number (O);
(22) Details if the goods are subject to quarantine, sanitary/phytosanitary inspection, or other restrictions (O); and
(23) Designated operator (M) *.

As noted previously, this required AED is aligned to the information already required on customs declarations forms that satisfy the requirements of 19 CFR 145.11 and are used by FPOs internationally pursuant to the guidelines set forth by the UPU. This alignment is consistent with the Trade Act of 2002 parameters, specifically 19 U.S.C. 1415(a)(3)(B), which provides that where it is not practicable to require information from the party with direct knowledge of that information, the regulations shall take into account how, under ordinary commercial practices, information is acquired by the party on which the requirement is imposed, and whether and how such party is able to verify the information. The majority of the mandatory data elements are also in line with the globally recognized PLACI data elements and with requirements for non-mail shipments, particularly the ACAS requirements for air cargo. The two exceptions, Declared Value and Designated Operator,[70] are noted with an asterisk in the list above. CBP is requiring USPS to provide these data elements to CBP because these data elements are globally recognized as mandatory.[71] In the AED environment, USPS can easily provide this data (Declared Value, and Designated Operator) to CBP, and this data, along with the other required data, is valuable for targeting purposes to identify high-risk shipments. Although CBP is only making mandatory the data elements that are currently mandatory on the paper forms, CBP encourages USPS to transmit all available data elements to CBP in order for CBP to better target incoming mail.

b. Pre-Advice of Despatch Information

In addition to the information about each mail item, the required AED also includes information about the

[67] The scope of the AED regulations for inbound international mail shipments is generally consistent with Article 08–002 of the Universal Postal Convention Regulations. *See* Universal Postal Convention Manual: *http://www.upu.int/en/the-upu/acts-of-the-union-and-other-decisions/manuals-in-three-volumes.html* (last accessed: March 16, 2020).

[68] Section 343(a)(3)(H) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(H)) provides that when determining the timing for transmittal of any information, the Secretary shall balance likely impact on flow of commerce with impact on cargo safety and security. With respect to requirements that may be imposed on carriers of cargo, the timing for transmittal of information shall take into account differences among different modes of transportation, as described in subparagraph (D).

[69] As noted earlier, these are the UPU forms CN 22 and CN 23. For more information, see Section III.C.1 (International Mail System for Inbound Mail) and footnotes 36, and Section III.C.2 (Current CBP Requirements for Mail Shipments to the U.S.) and footnote 40.

[70] As defined in new 19 CFR 145.73, ''Designated operator'' means an entity officially designated by a member country of the UPU to operate postal services and fulfill its treaty obligations to the UPU. USPS is considered a designated operator for the United States.

[71] These are the UPU forms CN 22 and CN 23. CBP accepts these forms as satisfactory for the requirements of a customs declaration under 19 CFR 145.11. For more information, see Section III.C.1 (International Mail System for Inbound Mail) and footnotes 36, and Section III.C.2 (Current CBP Requirements for Mail Shipments to the U.S.) and footnote 40.

shipment, referred to as the ''dispatch'' or ''despatch,'' of mail receptacles of the same mail category and class sent from one post to another. As noted above, individual receptacles in one dispatch, may not arrive in the United States together as a unit. Dispatch level information helps CBP to identify where the mail items are likely to be and when they should arrive. This information is comparable to the shipment information CBP requires for non-mail shipments under the Trade Act final rule. However, it is tailored to align with the way mail is shipped (*i.e.,* in dispatches containing receptacles), the way information is provided by the origin post to USPS, and where the mail arrives. USPS receives the ''pre-advice of dispatch'' or ''PREDES'' information from the foreign post. USPS may transmit this information to CBP in an electronic message. The new 19 CFR 145.74(d)(2) lists the required AED categorized as ''pre-advice of despatch information,'' as follows:

(1) Dispatch information including origin post, destination post, and dispatch number;

(2) Scheduled date and time of departure of the transporting conveyance;

(3) Scheduled date and time of arrival in the United States;

(4) Transportation information including carrier and, as applicable, flight number, voyage number, trip number, and/or transportation reference number;

(5) Scheduled International Mail Facility (IMF) in the United States;

(6) Total weight of the dispatch; and

(7) The information for receptacles contained within the dispatch, including receptacle type, receptacle ID, and weight, as well as item ID for items nested to the receptacles, if applicable.

5. Exclusions From AED Requirements for Mail Shipments From Specific Countries

Under the Trade Act of 2002, as amended by the STOP Act, CBP, in consultation with USPS, may determine to exclude a country from the AED requirements if CBP determines that certain specified conditions exist. New 19 CFR 145.74(e) incorporates this provision. It provides that pursuant to section 343(a)(3)(K)(vi) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(K)(vi)), CBP, in consultation with USPS, may determine that a specific country or countries do not have the capacity to collect and transmit AED, represent a low risk for mail shipments that violate relevant U.S. laws and regulations, and account for low volumes of mail shipments that can be effectively screened for compliance with relevant U.S. laws and regulations through an alternate means. It further provides that in such case(s), CBP will notify USPS that mail shipments from that specific country or countries are excluded from the AED requirements. Section 145.75(e) also provides that CBP will re-evaluate these determinations on an annual basis. This provision aligns not only with new section 343(a)(3)(K)(vi) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(K)(vi)), but also with the parameters set forth at section 343(a)(3)(E) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(E)), which requires regulations to take into account the extent to which the technology necessary for parties to transmit data is available.

6. Compliance Dates

The Trade Act of 2002, as amended by the STOP Act, specifies that USPS must fully comply with the AED requirements no later than December 31, 2020, but allows for the implementation of the AED requirement in phases prior to that date. Pursuant to the statute, CBP may set incremental targets for the transmission of AED prior to December 31, 2020 that take into consideration the risk posed by such shipments, the volume of mail shipped to the United States by or through a particular country, and the capacities of foreign postal operators to provide that information to USPS. *See* section 343(a)(3)(K)(iv) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(K)(iv)).

New 19 CFR 145.74(f) provides that full compliance is required no later than December 31, 2020, as set forth in section 343(a)(3)(K)(vi) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(K)(vi)). This means that, except for mail shipments from countries that are excluded from AED requirements pursuant to new 19 CFR 145.74(e), USPS must comply with the AED requirements of this section for 100 percent of mail shipments described in new 19 CFR 145.74(b) no later than December 31, 2020.

7. Shipments for Which USPS Has Not Complied With the AED Requirements

The Trade Act of 2002, as amended by the STOP Act, sets forth the actions to be taken for shipments for which USPS has not complied with the AED requirements. New 19 CFR 145.74(g) incorporates these provisions. Under new 19 CFR 145.74(g)(1), pursuant to section 343(a)(3)(K)(vii) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(K)(vii)), USPS must, in consultation with CBP, refuse any shipments received after December 31, 2020, for which the required AED is not received by CBP, unless remedial action is warranted in lieu of refusal of a shipment. If remedial action is warranted, CBP and USPS will determine the appropriate remedial action. Remedial action may include, but is not limited to, destruction, seizure, controlled delivery or other law enforcement initiatives, or a correction of the failure to provide the AED. Pursuant to an amendment to the Trade Act of 2002 that was included in Sec. 802, Consolidated Appropriations Act, 2021, Pub. L. 116–260, new 19 CFR 145.74(g)(2) provides that, notwithstanding paragraph (g)(1) of the section, during the period beginning on January 1, 2021, through March 15, 2021, the Postmaster General may accept a shipment without transmission of the information described in paragraph (d) of the section if the Commissioner determines, or concurs with the determination of the Postmaster General, that the shipment presents a low risk of violating any relevant United States statutes or regulations, including statutes or regulations relating to the importation of controlled substances such as fentanyl and other synthetic opioids.

D. Penalties

Section 8007 of the STOP Act amends section 436 of the Tariff Act of 1930 (19 U.S.C. 1436) to add a new paragraph (e), which mandates the imposition of civil penalties for certain violations of the STOP Act. Specifically, new 19 U.S.C. 1436(e)(1) provides that a civil penalty ''shall be imposed against the United States Postal Service if the Postal Service accepts a shipment in violation of section 1415(a)(3)(K)(vii)(I) of this title.'' To implement this statutory provision, CBP is adding a new 19 CFR 145.75. This new section provides that a violation of the new 19 CFR 145.74(g) after December 31, 2020, will result in the USPS being liable for penalties in accordance with 19 U.S.C. 1436(e)(1). The amount of the penalty will be $5,000 per violation, however, as provided by 19 U.S.C. 1436(e)(2), the penalty will be reduced or dismissed based on certain factors.

E. Amendment to 19 CFR 145.0

Current 19 CFR 145.0 specifies the scope of 19 CFR part 145. CBP is expanding the scope to account for the addition of the new subpart G. Accordingly, a new sentence stating that the part also contains regulations requiring USPS to transmit certain AED to CBP for certain inbound international mail shipments is added at the end of the section.

F. Amendment to Other Parts of 19 CFR Chapter I

The AED requirements in 19 CFR 145.74 applicable to inbound international mail shipments are intended to be the only AED requirements applicable to USPS for inbound international mail shipments. Accordingly, CBP is making revisions to 19 CFR parts 4, 122, 123, and 149 to clarify that the AED requirements for mail importations are found in part 145.

G. Flexible Enforcement

In order to provide the USPS sufficient time to adjust to the new requirements and in consideration of the business process changes that may be necessary to achieve full compliance, CBP will show restraint in enforcing the data submission requirements of the rule, taking into account difficulties USPS may face in complying with the rule, so long as USPS is making significant progress toward compliance and is making a good faith effort to comply with the rule to the extent of its current ability. This CBP policy will last for twelve months after the effective date. While full enforcement will be phased in over this twelve month period, willful and egregious violations will be subject to enforcement actions at all times. CBP welcomes comments on this enforcement policy.

V. Statutory and Regulatory Reviews

A. Adminstrative Procedure Act

The Administrative Procedure Act (APA) generally requires agencies to publish a notice of proposed rulemaking in the **Federal Register** and to provide interested persons the opportunity to submit comments. 5 U.S.C. 553(b), (c). The APA also generally requires agencies to delay the effective date of substantive rules by no less than 30 days. 5 U.S.C. 553(d). However, the APA enumerates certain exceptions to these requirements. 5 U.S.C. 553(b)(A), (B). The APA provides an exception from notice and comment procedures ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B). The APA also provides an exception from the 30-day delayed effective date requirement ''as otherwise provided by the agency for good cause found and published with the rule.'' 5 U.S.C. 553(d)(3). These exceptions to notice-and-comment procedures are to be ''narrowly construed'' and only ''reluctantly countenanced.'' *New Jersey* v. *EPA,* 626 F.2d 1038, 1045 (D.C. Cir. 1980). Courts have found ''good cause'' to be a permissible exception where ''the delay created by the notice and comment requirements would result in serious damage to important interests.'' *Woods Psychiatric Inst.* v. *United States,* 20 Cl. Ct. T324, 333 (1990), *aff'd,* 925 F.2d 1454 (Fed. Cir. 1991) (absence of relevant comprehensive regulations had led to administrative difficulties and litigation regarding basic issues such as eligibility, scope and reasonable charges for benefits and delay would have caused medical and financial hardships for beneficiaries); *see also Nat'l Fed'n of Fed. Emps.* v. *Nat'l Treasury Emps. Union,* 671 F.2d 607, 611 (D.C. Cir. 1982) (lacking information on insurance contract terms due to circumstances beyond its control, the agency elected to delay ''open season'' because failure to do so would threaten the financial stability of the Federal employee health benefit program constituting a threat to the welfare of employees and annuitants enrolled in that program). These interests include public safety and public health. *United States* v. *Dean,* 604 F.3d 1275, 1279 (11th Cir. 2010) (to delay regulations would harm the public interest because it would delay the registration of sex offenders who would evade registration requirements during the notice and comment period, putting the public's safety at risk).

This rule is being promulgated pursuant to the STOP Act to fight the influx of deadly opioids, particularly synthetic opioids such as fentanyl, coming to the United States in international mail shipments. Given the critical public health and safety implications of continued shipments of illegal opioids into the United States, to delay the implementation of this rule would be ''impracticable, unnecessary, and contrary to the public interest'' as it would allow a gap that invites illegal and toxic drugs into our communities. There is particular urgency in view of recent and current events, connected with the COVID–19 pandemic and a significant spike in deaths as a result of opioids. On January 7, 2021, the Secretary of Health and Human Services renewed public health emergency declarations for both the opioid crisis [72] and COVID–19 pandemic.[73] Additionally, and critically, CDC has reported an accelerating rate of overdose deaths during the COVID pandemic, with the highest number of such deaths ever recorded in a 12-month period.[74] The CDC has found ''an acceleration of overdose deaths during the pandemic.'' This is a testament to the imminent risk of having these types of goods enter the U.S. mail stream and thus endanger public health. In view of the recent declarations and the recent acceleration in overdose deaths, a delay would clearly be ''contrary to the public interest.''

The recent and marked increase in demand for opioids by Americans has had a detrimental impact on this country as seen by the sharp rise in overdoses and the increased strain placed on law enforcement, healthcare, and social service providers. According to the CDC, the COVID–19 pandemic has accelerated drug overdose deaths, resulting in over 81,000 drug overdose deaths in the 12-month period ending in May 2020. CDC notes that ''synthetic opioids (primarily illicitly manufactured fentanyl) appear to be the driver,'' increasing 38.4 percent relative to the prior year. Ten western states reported a more than 98 percent increase in synthetic opioid-involved deaths over the same period.[75] CBP is a vital line of defense to secure the border, and needs to move toward improving its ability to detect and interdict illicit supply chains in the postal environment.

One of the greatest challenges to effective interdiction is the sheer volume of mail received. The use of AED for mail shipments will thus facilitate the interdiction of suspect packages, a critical tool in stemming the flow of deadly opioids. Requiring AED for mail shipments will enhance the security of the supply chain with respect to international mail shipments by giving CBP adequate time and information necessary to perform targeted risk assessments geared towards interdicting dangerous and illicit items before they enter the U.S. mail system. For further details

[72] *https://www.phe.gov/emergency/news/healthactions/phe/Pages/opioids-7Jan2021.aspx.*

[73] *https://www.phe.gov/emergency/news/healthactions/phe/Pages/covid19-07Jan2021.aspx; see also* White House, Notice on the Continuation of the National Emergency Concerning the Coronavirus Disease 2019 (COVID–19) Pandemic, February 24, 2021. Available at *https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/notice-on-the-continuation-of-the-national-emergency-concerning-the-coronavirus-disease-2019-covid-19-pandemic/* (last accessed February 24, 2021).

[74] Centers for Disease Control, Press Release, *Overdose Deaths Accelerated During COVID–19: Expanded Prevention Efforts Needed,* December 17, 2020, available at *https://www.cdc.gov/media/releases/2020/p1218-overdose-deaths-covid-19.html* (last accessed February 20, 2021).

[75] Centers for Disease Control, Press Release, *Overdose Deaths Accelerated During COVID–19: Expanded Prevention Efforts Needed,* December 17, 2020, available at *https://www.cdc.gov/media/releases/2020/p1218-overdose-deaths-covid-19.html* (last accessed February 20, 2021).

regarding the benefits of the rule, see sections III.A (Purpose of Rule), V.B (Executive Orders 12866 and 13563), and the stand-alone regulatory impact analysis.[76]

Where an agency reasonably determines that existing regulations do not sufficiently protect public safety, authorized measures to address the regulatory deficiency need not await the completion of notice and comment procedures to begin saving lives. *See Hawaii Helicopter Operators Ass'n* v. *FAA,* 51 F.3d 212, 213–14 (9th Cir. 1995). This is especially true with respect to measures taken to prevent the exploitation of security or public health vulnerabilities, which do not involve ''complex and controversial questions of ethics and public policy.'' *Cf. American Academy of Pediatrics* v. *Heckler,* 561 F. Supp. 395, 401 (D.D.C. 1983). This is the case here. It is DHS's determination that the relevant existing regulatory framework does not sufficiently protect public safety, and in the context of a public health crisis of this magnitude every day is important. In fact, no regulations exist at this time that require USPS to provide CBP with AED. These regulations, promulgated pursuant to the STOP Act, aim to address this regulatory deficiency, and as such, they need not await the completion of notice and comment procedures or the 30-day delayed effective date period. *See Hawaii Helicopter Operators Ass'n* v. *FAA,* 51 F.3d 212, 213–14 (9th Cir. 1995). In filling the regulatory gap, this rule will have a substantial impact on stemming the flow of illicit drugs. As detailed above, the use of AED in targeting and risk mitigation will help CBP disrupt the supply chain of illicit opioids by reducing the amount of illicit opioids entering the country. This, in turn, should lead to a decrease in lives lost to this epidemic.

For the same reasons that the new regulations will address the regulatory gap described above, delaying the implementation of these regulations could result in serious harm to public health and safety by continuing to allow the illicit flow of opioids into the country while the procedural periods elapse. The agency ''only has to show that there is good cause to believe that delay would do real harm.'' *United States* v. *Dean,* 604 F.3d 1275, 1281 (11th Cir. 2010) (quoting *Jifry* v. *FAA,* 370 F.3d 1174, 1179 (D.C. Cir. 2004)). This is especially the case in the context of vulnerabilities that may be susceptible to exploitation, including in the context of an escalating public health crisis of this magnitude or in the case of a significant public safety concern. It is therefore sufficient for the agency to make a reasonable determination that a vulnerability exists that the proposed lawful rule would effectively mitigate and for that reason determine that a delay in promulgation would cause serious and immediate harm. *See Jifry,* 370 F.3d at 1179; *Dean,* 604 F.3d at 1281. In the absence of prior regulations that mandate USPS to transmit AED to CBP, the use of notice and comment prior to the issuance of this rule would delay CBP's ability to take immediate and effective action to keep illicit shipments of all kinds out of the supply chain.

Such a delay might well lead as well to an influx of illicit shipments before the rule was issued and took effect. To delay the implementation of effective mitigation measures in this way would unreasonably prolong the public's exposure to high levels of illicit opioids and their analogues. On that basis, it is reasonable for DHS to determine that it may, for good cause, forgo the usual prior notice and comment and delayed effective date procedure and publish a rule that is effective immediately.

B. Executive Orders 12866 and 13563

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is a ''significant regulatory action,'' and one that the Office of Information and Regulatory Affairs has determined is economically significant under section 3(f) of Executive Order 12866. Accordingly, this rule has been reviewed by the Office of Management and Budget (''OMB''). CBP prepared an economic analysis of the estimated impacts of this rule for public awareness, which CBP summarizes below. The complete analysis, entitled ''Regulatory Impact Analysis: Mandatory Advance Electronic Data (AED) for International Postal Shipment Final Rule'' can be found in the public docket for this rulemaking (docket number USCBP–2021–0009) at *www.regulations.gov.* The complete economic impact analysis of this rule is intended to address the requirements of Executive Order 12866 (1993), ''Regulatory Planning and Review'' and related executive orders and laws, which require Federal agencies to assess the costs and benefits of significant regulatory actions.

1. Purpose of Rule

CBP has developed this interim final rule requiring the submission of advance electronic data (AED) from the United States Postal Service (USPS) for inbound international mail shipments containing goods destined for the United States. This interim final rule follows from the requirements mandated in section 8003 of the Synthetics Trafficking and Overdose Prevention (STOP) Act of 2018, principally intended to lessen the flow of illegal opioids into the United States. The STOP Act imposes new responsibilities on the USPS for providing AED for international mail.

AED contains details about the package's sender, recipient, and related content that have historically been available to USPS on customs declaration forms but only in paper copies, making it difficult for CBP to use the information for targeting of mail containing illegal goods. Requiring USPS to provide CBP with AED will address a current safety and security gap regarding mail importations. Having this data available in electronic format and submitted to CBP before the package is loaded on the transporting carrier is expected to improve the success and efficiency of targeting packages for inspection and to disrupt the supply chain for illegal opioids, particularly synthetic fentanyl.[77] Fentanyl is one of many synthetic opioids that are produced in both licit and illicit manners. Many chemical compounds—commonly known as fentanyl analogs—share the majority of their chemical structure with fentanyl, albeit with some molecular modifications. In this report, we refer to this class of substances as fentanyl for simplicity and to reflect its share among synthetic opioids. While synthetic fentanyl is the primary motivation behind the STOP Act, the interim final rule will also

[76] CBP prepared a regulatory impact analysis of the estimated impacts of this rule for public awareness, which CBP summarizes in the sections below. The complete analysis, entitled Mandatory Advance Electronic Information for Postal Shipments, can be found in the public docket for this rulemaking (docket number USCBP–2021–0009) at *www.regulations.gov.*

[77] U.S. Drug Enforcement Administration, *National Forensic Laboratory Information System: Special Maps Release: Tracking Fentanyl and Fentanyl-Related Substances Reported in NFLIS-Drug by State, 2016–2017,* Washington, DC: Department of Justice (2019) (''DEA, *Tracking Fentanyl and Fentanyl-Related Substances*'').

improve CBP's ability to identify and seize other illegal and dangerous items (including other illegal drugs, other hazardous materials, etc.) and close the gap that has the potential to be exploited by bad actors. With the implementation of this interim final rule, CBP regulations will require the transmission of AED on all shipments of goods, whether or not they are transported through the international mail system.

Beginning in 2014, CBP and USPS piloted programs at IMFs around the United States to collect AED from foreign posts (*i.e.,* non-U.S. postal operators, analogous to the USPS in the United States) to improve CBP's targeting efforts. As required by the STOP Act and informed by the results of the pilots,[78] CBP has developed an interim final rule to transition the AED pilot program to a regulatory program.[79]

The interim final rule requires that CBP must receive AED from USPS for inbound international mail containing goods classified as *Letter class mail—goods,* Parcel post, or Express Mail Service (EMS). *Letter class mail—goods* refers to letter class (in UPU terms, letter post) mail up to two kilograms containing goods, also referred to as ''small packets.'' Mail over two kilograms containing goods must use a postal service other than letter class. Parcel post refers to any mail article mailed at the parcel rate or equivalent class or category of postage. EMS refers to the optional supplementary postal express service for documents and merchandise and is whenever possible the quickest postal service by physical means. Under this interim final rule, AED is not required for mail containing only letters and documents (*i.e., Letter class mail—documents*). AED will not be required for items for the blind consisting of correspondence, literature in whatever format including sound recordings, and equipment or materials of any kind made or adapted to assist blind persons in overcoming the problems of blindness (up to 7 kilograms). Under this rule, AED will not be required for items sent as Parcel Post or EMS that do not contain goods. AED will also not be required for returned U.S. origin items, items transiting the U.S. in closed transit, items sent as U.S. domestic mail, or mail treated as domestic, including mail to or from APO, FPO, and DPO addresses, mail to or from U.S. territories and possessions, and mail, from or between the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. However, this exclusion does not preclude CBP's existing authority to inspect any of these shipments.

AED are comprised of two elements, as described in full detail in Exhibit 1 and summarized below:

1. Information already collected through the customs declaration forms CN 22 and CN 23, including the contents and value of the goods in the package as well as sender and recipient information. USPS will collect this information from its counterparts at foreign posts through existing ''ITMATT'' electronic messages; and

2. Information about the movement of the shipment by a carrier, including the scheduled date and time of arrival in the United States, flight number, and destination IMF. USPS will collect this information from its counterparts at foreign posts through existing ''PREDES'' electronic messages.

EXHIBIT 1—MANDATORY AND OPTIONAL AED ELEMENTS

Data element	Requirement
ITMATT Contents:	
Sender's name	Mandatory.
Sender's address	Mandatory.
Sender's telephone/fax/email	Optional.
Recipient's name	Mandatory.
Recipient's address	Mandatory.
Recipient's telephone/fax/email	Optional.
Detailed description of contents	Mandatory.
Quantity	Mandatory.
Weight	Mandatory.
Item ID	Mandatory.
Category of item (gift, document, sale of goods, commercial sample, merchandise, returned goods, other)	Optional.
Declared value	Mandatory.
Date of posting	Optional.
Postal charges/fees	Optional.
10-digit HS tariff number (for commercial items)	Optional.
Country of origin of goods (for commercial items)	Optional.
Importer's reference (tax code, VAT number, importer number, etc.)	Optional.
Importer's telephone/fax/email	Optional.
License number	Optional.
Certificate number	Optional.
Invoice number	Optional.
Details if the goods are subject to quarantine, sanitary/phytosanitary inspection, or other restrictions	Optional.
Designated operator	Mandatory.
PREDES Contents:	
Dispatch information including origin, destination, and dispatch number	Mandatory.
Scheduled date and time of departure of transporting conveyance	Mandatory.
Scheduled date and time of arrival	Mandatory.
Transportation information including carrier and, as applicable, flight number, voyage number, trip number, and/or transportation reference number.	Mandatory.

[78] U.S. Customs and Border Protection. *International Mail Security: Advance Electronic Data (AED) Cost Benefit Analysis of Inbound International Mail at JFK* (DHS/CBP/OT/ORR/EIA Branch 2018) (''CBP, *International Mail Security*'').

[79] CBP prepared its assessment (CBP, *International Mail Security*) of the costs and benefits of implementing the JFK IMF pilot in 2017 in response to a recommendation from the Government Accountability Office (GAO). U.S. Government Accountability Office, *International Mail Security: Costs and Benefits of Using Electronic Data to Screen Mail Need to be Assessed, Report to Congressional Requesters.* GAO–17–606. (2017, p. 1) (GAO, *International Mail Security, Report to Congressional Requesters*).

EXHIBIT 1—MANDATORY AND OPTIONAL AED ELEMENTS—Continued

Data element	Requirement
Scheduled International Mail Facility (IMF)	Mandatory.
Total weight of the dispatch	Mandatory.
The information for receptacles contained within the dispatch, including receptacle type, receptacle ID, and weight, as well as item ID for items nested to the receptacles if applicable.	Mandatory.

Recognizing the magnitude of the change in operations necessary to accommodate the international flow of AED, the STOP Act and this interim final rule offer a phased approach to the mandatory AED requirement. No later than the end of 2018, the Act required USPS to transmit AED to CBP on no less than 70 percent of mail shipments, including 100 percent of mail from China.[80] No later than the end of 2020, USPS must transmit AED for 100 percent of mail. Beginning in March 2021, USPS will be required to refuse mail shipments that do not include AED, unless a ''remedial action'' is identified. Such action may include destruction, seizure, controlled delivery, other law enforcement action for mail without AED, or correction of the failure to provide AED. The interim final rule allows that CBP and USPS create country-specific exceptions for countries with low mail volume, that are considered low-risk, or lack the capacity to collect and transmit AED.

2. Overview of Analysis

In the complete economic impact analysis of this rule, we estimate the incremental costs of implementing (1) AED pilot projects initiated prior to the STOP Act and (2) the interim final rule. We also provide a discussion of the anticipated benefits of the rule qualitatively. We present information on the available data sources we rely upon and the analytic methodologies we employ and discuss the implications of limitations of the analysis.

Our analysis focuses on two discrete time periods. All incremental costs and benefits of collecting and transmitting AED occurring in the time period before the STOP Act was enacted into law are associated with the pre-statute period, while all incremental costs and benefits incurred after the STOP Act was enacted (*i.e.,* post-statute period), including current and future costs, are attributed to the interim final rule. Taken together, the two time periods address the costs and benefits of the entire AED program.

Pre-statute period: 2013 through 2018; and

Post-statute period: 2019 through 2028.

All costs are estimated in 2019 dollars, and present value calculations reported in the document use a base year of 2019.[81] CBP summarizes the results of the rule's complete economic impact analysis below.

Between 2014 and 2018, USPS worked with foreign postal operators to collect available AED for CBP targeting of postal shipments across a subset of IMFs. CBP's use of the AED, which is voluntarily provided by foreign postal operators to USPS, is considered a pilot program to determine how AED can improve CBP's targeting process. John F. Kennedy International Airport (JFK) was the first IMF to launch a pilot in 2014, followed by Los Angeles International Airport (LAX) and Miami International Airport (MIA) in 2017, Chicago O'Hare International Airport (ORD) and San Francisco International Airport (SFO) in 2018, and the New Jersey International and Bulk Mail facility located in Jersey City, New Jersey (JEC) and the Daniel K. Inouye International Airport (Honolulu International Airport) (HNL) in 2019. These pilots have provided insight into how the interim final rule will be implemented. Two more IMFs—Cyril E. King Airport (St. Thomas Airport) (STT), and Luis Munoz Marin International Airport (San Juan Airport) (SJU)—are expected to commence AED operations in 2020.

Furthermore, separate from the STOP Act, a desire to receive AED has been gaining traction among other countries. Motivated by the collection of goods and services (GST) tax on imported goods, the European Union (EU) and Australia recently passed or are considering legislation that would also require AED for inbound international mail. Several other countries are also likely to impose AED requirements, including but not limited to China, Russia, Malaysia, Brazil, and Thailand.[82] Beyond individual country initiatives, the UPU approved a roadmap in 2016 for working toward universal AED capabilities among its members.[83]

In consideration of the AED requirements passed by other countries, as well as the general move towards storing information electronically, foreign posts would need to make upgrades to their systems to accommodate AED in the absence of the STOP Act and this interim final rule. Nonetheless, the STOP Act plays a key role in accelerating the adoption of AED internationally.[84] Exhibit 2, below, illustrates our assumptions regarding this acceleration, differences between the types of actions taken, and the timing of these actions under the baseline and regulatory scenarios. The differences between these two scenarios represent the incremental effects measured in the analysis.

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[80] These milestones were not met. Approximately 60 percent of international packages were transported with AED by the of end 2018 (personal communication with CBP on May 1, 2019). USPS data from March 2019, after the end-2018 requirement, reports 77 percent of all packages were transported with AED—over the current requirement threshold, but below the 100 percent.

[81] Figures in the exhibits are generally unrounded to provide the detail necessary to recreate these calculations.

[82] Personal communication with UPU on May 1, 2019 and follow up information provided via personal communication on May 10, 2019.

[83] Universal Postal Union (UPU). (2017). ''Issues relating to electronic advance data (EAD).'' Report of AED Roadmap steering committee. Document number POC C 1 2017.2–Doc 6b.

[84] Personal communication with representatives of the UPU on May 1, 2019.

Exhibit 2. Affected Populations under Baseline Environment (World without STOP Act) Compared to World with Pre-Statute and Post-Statute Actions

YEAR	BASELINE ENVIRONMENT (NO AED PILOT OR STOP ACT)		WORLD WITH THE AED PILOT AND THE STOP ACT		
	REQUIREMENT	ACTION TAKEN	REQUIREMENT	ACTION TAKEN	
2013	None	None	None	CBP & USPS incur costs to establish systems to receive inbound AED from foreign posts	PRE-STATUTE ANALYSIS PERIOD
				France incurs upfront costs	
2014			JFK Pilot begins	France begins transmitting AED for U.S.-bound parcels	
				Additional select countries incur upfront costs	
2015			JFK Pilot continues	Number of countries transmitting AED to the United States and the amount of data transmitted increases each year	
2016					
2017			LAX and MIA Pilots begin		
2018			ORD and SFO Pilots begin		
			STOP Act enacted October 24th. By December 31st, receive AED for 70% of relevant mail, including 100% of relevant mail from China		
2019	None	None	Continued implementation of the initial STOP Act requirements	Additional IMFs (JEC and HNL) begin receiving AED	POST-STATUTE ANALYSIS PERIOD
				New countries incur upfront costs and begin transmitting data	
2020		Countries incur upfront costs to establish systems for transmitting AED	By December 31st, receive AED for 100% of relevant mail from all countries	Final IMFs begin receiving AED	
2021	By January 1st, provide European Union countries with AED for relevant mail from all countries	Countries incur recurring costs to transmit AED pursuant to	Continued implementation of the STOP Act	Most countries transmitting AED for 100% of U.S.-bound mail[b]	
2022					

2023	Continued implementation of European Union country-requirements and similar requirements established in additional countries	non-U.S. requirements; no AED transmitted for U.S.-bound mail[a]			
2024					
2025					
2026					
2027					
2028					

Notes:
a. In the absence of the STOP Act, it is possible USPS would request reciprocity with the countries to which it provides AED for outbound mail. However, we do not know which countries would be included in such agreements. Thus, the assumption that USPS would not receive any AED for inbound mail likely overstates the incremental costs of the interim final rule to foreign countries.
b. According to the UPU, some countries are unlikely to achieve compliance with the STOP Act requirements. These countries represent approximately a small percentage of mail coming into the United States. For the purpose of this analysis, we assume CBP will exclude these countries from the mandatory AED requirements per STOP Act section 8003 allowances. (Information provided by UPU provided to IEc via personal communication with CBP on May 10, 2019.)

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3. Population Affected by Rule

CBP and USPS are the two U.S.-based actors that incur costs in response to the AED pilots and the requirements of the interim final rule. All activities related to the collection, transmission, and use of inbound AED are incremental to the rule. We summarize these cost categories below.

4. Costs of Rule

CBP incurs costs to draft and negotiate agreements with USPS, implement software upgrades to accommodate AED, train staff on the use of AED for targeting, and analyze inbound AED at IMFs. Among the categories of cost we are able to quantify, costs associated with analyzing AED data and placing holds associated with the AED are the largest, followed by the costs to upgrade software and, lastly, by the time spent developing the MOU and SOPs with USPS. CBP also incurred costs to train its staff to use AED; we are unable to quantify these costs.

Exhibit 3 presents costs incurred by CBP to implement the pilot program in the pre-statute period (2013 through 2018). Specifically, its total present value cost over the 6-year period ranges from $19 million to $22 million, depending on the discount rate assumption (3 and 7 percent, respectively). Because we are unable to quantify CBP's training costs, this estimate may understate total costs incurred by the agency during the pre-statute period. However, these costs are unlikely to be large enough to significantly impact our estimate of the total cost of the regulation. Importantly, these costs have already been incurred.

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Exhibit 3. Total Present Value Costs to CBP in Pre-Statute Years (2019 U.S. Dollars, 2019 Base Year)

YEAR	DEVELOP MOU AND SOPS WITH USPS	UPGRADE SOFTWARE	TRAIN STAFF	ANALYZE AED DATA	TOTAL
2013	$0	$2,191,338	Qualitative	$0	$2,191,338
2014	$548	$641,732		$2,001,441	$2,643,722
2015	$0	$641,732		$2,001,441	$2,643,173
2016	$0	$641,732		$2,001,441	$2,643,173
2017	$6,397	$641,732		$2,535,159	$3,183,288
2018	$3,381	$641,732		$3,286,750	$3,931,864
Total undiscounted	$10,327	$5,400,000		$11,826,232	$17,236,559
Total present value (3 percent)	**$10,905**	**$6,125,828**		**$12,834,789**	**$18,971,522**
Total present value (7 percent)	**$11,711**	**$7,237,374**		**$14,301,782**	**$21,550,867**
Source: IEc calculations using data from various sources. See main text for details.					

Exhibit 4 provides estimates of the costs incurred by CBP in the post-statute period (2019 through 2028). We estimate the total present value of these costs will range from $41 million to $49 million, assuming discount rates of 7 and 3 percent, respectively. The majority of these costs are likely to be incurred in the future.[85]

[85] Importantly, the estimates presented in Exhibit 4 include future costs that will be incurred by the five IMFs who participated in the pilot program.

Exhibit 4. Total Present Value Costs to CBP in Post-Statute Years (2019 U.S. Dollars, 2019 Base Year)

YEAR	DEVELOP MOU AND SOPS WITH USPS	UPGRADE SOFTWARE	TRAIN STAFF	ANALYZE AED DATA	TOTAL
2019	$2,361	$641,732	Qualitative	$3,420,179	$4,064,273
2020	$3,625	$641,732		$5,073,452	$5,718,809
2021	$0	$641,732		$5,073,452	$5,715,184
2022	$0	$641,732		$5,073,452	$5,715,184
2023	$0	$641,732		$5,073,452	$5,715,184
2024	$0	$641,732		$5,073,452	$5,715,184
2025	$0	$641,732		$5,073,452	$5,715,184
2026	$0	$641,732		$5,073,452	$5,715,184
2027	$0	$641,732		$5,073,452	$5,715,184
2028	$0	$641,732		$5,073,452	$5,715,184
Total undiscounted	$5,986	$6,417,324		$49,081,245	$55,504,555
Total present value (3 percent)	**$5,880**	**$5,638,330**		**$42,922,627**	**$48,566,838**
Total present value (7 percent)	**$5,749**	**$4,822,768**		**$36,474,896**	**$41,303,412**
Source: IEc calculations using data from various sources. See main text for details.					

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USPS also incurs costs to implement the new requirements. Specifically, it must negotiate operational agreements with CBP at the IMFs, negotiate data-sharing agreements with foreign posts, upgrade software, train staff, process AED holds for CBP, and potentially return mail to foreign posts that do not meet the mandatory AED requirement. In this analysis, we quantify three of the six categories of costs likely to be incurred by USPS. Among them the labor devoted to processing holds for CBP constitutes a larger share than costs of upgrading and maintaining software or the requirement to return mail. Moreover, between the two periods examined, a majority of these costs are incurred in the post-statute period. CBP does not expect USPS to need to return mail without AED and this will not experience costs associated with that return. To the extent that these costs do take place, the costs of this rule will be higher. CBP requests comment on the size of these costs.

Exhibit 5 presents the costs incurred by USPS in the pre-statute period (2013 through 2018). The total present value of these past costs is likely to range from $11 million to $13 million, assuming discount rates of 3 and 7 percent, respectively. Because we are unable to estimate the costs to USPS of developing MOUs and SOPs with CBP, negotiating data sharing agreements with foreign posts, and training its staff, these estimates may understate the actual costs incurred during this period.

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Exhibit 5. Total Present Value Costs to USPS in Pre-Statute Years (2019 U.S. Dollars, 2019 Base Year)

YEAR	DEVELOP MOU AND SOPS WITH CBP	NEGOTIATE AED SHARING AGREEMENTS WITH FOREIGN POSTS	UPGRADE SOFTWARE	TRAIN STAFF	PROCESS AED HOLDS FOR CBP	REJECT PACKAGES WITHOUT AED	TOTAL
2013	Qualitative	Qualitative	$675,000	Qualitative	$0	$0	$675,000
2014			$675,000		$626,726	$0	$1,301,726
2015			$675,000		$626,726	$0	$1,301,726
2016			$675,000		$626,726	$0	$1,301,726
2017			$675,000		$1,722,583	$0	$2,397,583
2018			$675,000		$2,818,439	$0	$3,493,439
Total undiscounted			$4,050,000		$6,421,201	$0	$10,471,201
Total present value (3 percent)			**$4,497,162**		**$6,847,255**	**$0**	**$11,344,417**
Total present value (7 percent)			**$5,166,464**		**$7,456,208**	**$0**	**$12,622,672**

Source: IEc calculations using data from various sources. See main text for details.

Exhibit 6 presents the future costs likely to be incurred by USPS in the post-statute period. Specifically, total present value costs are likely to range from $41 million to $49 million, assuming discount rates of 7 and 3 percent, respectively. Similar to the pre-statute period, because we are unable to quantify certain categories of costs incurred by USPS, these estimates may understate the total costs experienced by the organization.

Exhibit 6. Total Present Value Costs to USPS in Post-Statute Years (2019 U.S. Dollars, 2019 Base Year)

YEAR	DEVELOP MOU AND SOPS WITH CBP	NEGOTIATE AED SHARING AGREEMENTS WITH FOREIGN POSTS	UPGRADE SOFTWARE	TRAIN STAFF	PROCESS AED HOLDS FOR CBP	REJECT PACKAGES WITHOUT AED	TOTAL
2019	Qualitative	Qualitative	$675,000	Qualitative	$3,914,295	Qualitative	$4,589,295
2020			$675,000		$5,010,151		$5,685,151
2021			$675,000		$5,010,151		$5,685,151
2022			$675,000		$5,010,151		$5,685,151
2023			$675,000		$5,010,151		$5,685,151
2024			$675,000		$5,010,151		$5,685,151
2025			$675,000		$5,010,151		$5,685,151
2026			$675,000		$5,010,151		$5,685,151
2027			$675,000		$5,010,151		$5,685,151
2028			$675,000		$5,010,151		$5,685,151
Total undiscounted			$6,750,000		$49,005,657		$55,755,657
Total present value (3 percent)			**$5,930,624**		**$42,923,879**		**$48,854,503**
Total present value (7 percent)			**$5,072,782**		**$36,556,595**		**$41,629,376**

Source: IEc calculations using data from various sources. See main text for details.

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Foreign posts around the world incur costs to upgrade and maintain outbound AED systems in order to comply with the requirements of the STOP Act. The STOP Act, however, is not the only international AED requirement. As described earlier, it represents the first in a series of similar requirements under development by other countries and encouraged by the UPU. As a result, the costs foreign posts incur to update their systems to accommodate the outbound flow of AED are not fully attributable to the pilot or the interim final rule; foreign posts would be making many of these upgrades to their systems in the absence of the STOP Act. The law, however, accelerates their timeline for having functional AED systems and capabilities in place.

In general, we consider when countries incur costs due to the interim final rule relative to when they would incur similar costs to comply with other mandatory AED requirements imposed by other countries. In particular, the European Union AED rule is scheduled to take effect in early 2021. The incremental cost of the pilot or interim final rule, therefore, is the opportunity cost to foreign posts of upgrading their systems earlier than they would have in the absence of the STOP Act.

To estimate the opportunity cost of earlier action, we estimate the stream of costs through time under the baseline scenario (*i.e.,* the world without the pilot or the interim final rule) and compare it to a scenario with the pilot and the interim final rule, separately for the pre-statute period and the post-statute period. The difference between the present value of these two cost streams represents the incremental costs of the pilot and the interim final rule.

Significant uncertainty exists regarding when certain countries will be able to meet the requirements of the interim final rule. We rely on analysis provided by the UPU to estimate which countries will be able to send AED to the United States by December 31, 2020. For the purposes of this analysis, we assume that all countries unable to send AED to the United States by the end of 2020 will be granted exceptions under

the interim final rule and will, therefore, not incur costs. In the absence of data to predict which countries will be able to begin transmitting AED between 2021 and 2028, we assume the number of countries transmitting AED in years 2021 through 2028 does not change. To the extent that more countries shift to AED submissions, costs will be higher and will depend on the income level of the country and its volume of mail. This analysis contains the necessary information on the costs per country and by volume, so extending this analysis to further countries can be done using the information in this analysis. Exhibit 7 describes the number of countries transmitting AED to the United States, as well as the percent of packages from these countries arriving with AED elements.

EXHIBIT 7—FOREIGN POSTAL OPERATORS TRANSMITTING AED TO USPS AND PERCENT OF PARCELS ARRIVING WITH AED

Year	High Income Countries		Upper-Middle Income Countries		Lower-Middle Income Countries		Low Income Countries		Other Countries
	#	% AED	#	% AED	#	% AED	#	% AED	% AED
2014	0	0.0	0	0.0	0	0.0	0	0.0	0.0
2015	7	5.9	0	0.0	0	0.0	0	0.0	38.8
2016	6	3.8	0	0.0	0	0.0	0	0.0	78.0
2017	16	11.8	2	5.7	1	49.0	0	0.0	32.5
2018	28	26.5	10	2.4	5	5.7	1	1.0	85.8
2019	35	34.4	12	8.6	8	5.8	2	0.5	89.2
2020 (predicted)	50	67.2	21	54.3	8	52.9	2	50.3	94.6
2021 (predicted)	65	100.0	30	100.0	8	100.0	2	100.0	100

Note: UPU divides foreign postal operators according to gross national incomes based on the World Bank stratification (*https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups*). The number of countries in the Other category has been redacted to preserve commercially sensitive business information.

Sources: Calculations for most countries come from the UPU. For countries for which the UPU could not provide data, we use data from a proprietary source. See main text for details.

Foreign posts incur costs including the time devoted to negotiating data-sharing agreements with USPS, the cost of upgrading software and hardware to accommodate the outbound flow of AED, efforts spent training staff on how to collect and transmit AED, and the costs related to accepted packages rejected from the United States because they do not meet mandatory AED requirements. Of these categories, the largest costs are associated with manually entering AED for transmission. The lowest cost categories are the one-time costs to upgrade hardware and train employees, in part because these costs would have been incurred—albeit in different years—in the absence of the STOP Act.

Exhibit 8 presents costs incurred by foreign posts in the pre-statute period (2013 through 2018). Total present value costs range from $46 million to $51 million, assuming discount rates of 3 and 7 percent, respectively. Nearly all of these costs (approximately 95 percent) result from the labor required to manually enter AED. Importantly, these costs have already been incurred.

Exhibit 9 presents costs likely to be incurred by foreign posts in the future, during the post-statute period (2019 through 2028). We estimate the total present value costs are likely to range from $150 million to $170 million, assuming discount rates of 7 and 3 percent, respectively. Labor costs associated with manually entering AED comprise the majority of these costs. Because we assume the amount of affected mail sent to the United States in future years remains constant, annual costs from 2021 (the year the interim final rule takes full effect) through 2028 are constant.[86]

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[86] We evaluate the significance of this assumption (future mail volume) in Appendix B of the full Regulatory Impact Analysis, which can be found in the docket of this rulemaking.

Exhibit 8. Present Value Costs to Foreign Posts in Pre-Statute Years (2019 U.S. Dollars, 2019 Base Year)

YEAR	NEGOTIATE AED SHARING AGREEMENTS WITH USPS	UPGRADE HARDWARE		UPGRADE AND RUN SOFTWARE		TRAIN STAFF	
		WITH PILOT	WITHOUT PILOT	WITH PILOT	WITHOUT PILOT	WITH PILOT	WITHOUT PILOT
2013	Qualitative	$0	$0	$0	$0	$0	$0
2014		$140,000	$0	$0	$0	$84,000	$0
2015		$20,000	$0	$214,000	$0	$0	$0
2016		$200,000	$0	$186,000	$0	$136,500	$0
2017		$300,000	$0	$509,000	$0	$262,500	$0
2018		$260,000	$0	$1,020,000	$0	$0	$0
2019		$0	$0			$0	$0
2020		$0	$920,000			$0	$483,000
Total (net) undiscounted		$0		$1,929,000		$0	
Total (net) present value (3 percent)		**$96,220**		**$2,034,704**		**$56,090**	
Total (net) present value (7 percent)		**$229,439**		**$2,182,522**		**$134,167**	

Exhibit 8. (Continued) Present Value Costs to Foreign Posts in Pre-Statute Years (2019 U.S. Dollars, 2019 Base Year)

YEAR	KEY IN AED DATA ELEMENTS	ACCEPT REJECTED PACKAGES WITHOUT AED	TOTAL (NET)
2013	$0	$0	$0
2014	$0	$0	$224,000
2015	$6,778,086	$0	$7,012,086
2016	$13,608,060	$0	$14,130,560
2017	$5,735,765	$0	$6,807,265
2018	$15,192,404	$0	$16,472,404
2019			$0
2020			-$1,403,000
Total (net) undiscounted	$41,314,315	$0	$43,243,315
Total (net) present value (3 percent)	**$44,231,940**	**$0**	**$46,418,954**
Total (net) present value (7 percent)	**$48,377,897**	**$0**	**$50,924,025**

Source: IEc calculations using data from various sources. See main text for details.
Notes:
2019 and 2020 included due to lag in "without pilot" scenario. Present value calculated with respect to number of years in pre-statute period (2013-2018).

Exhibit 9. Total Present Value Costs to Foreign Posts in Post-Statute Years (2019 U.S. Dollars, 2019 Base Year)

YEAR	NEGOTIATE AED SHARING AGREEMENTS WITH USPS	UPGRADE HARDWARE		UPGRADE AND RUN SOFTWARE		TRAIN STAFF	
		WITH RULE	WITHOUT RULE	WITH RULE	WITHOUT RULE	WITH RULE	WITHOUT RULE
2018	Qualitative	$260,000	$0			$136,500	$0
2019		$480,000	$0	$1,276,000	$0	$252,000	$0
2020		$480,000	$1,220,000	$1,858,000	$0	$252,000	$640,500
2021		$0	$0	$2,440,000	$2,440,000	$0	$0
2022		$0	$0	$2,440,000	$2,440,000	$0	$0
2023		$0	$0	$2,440,000	$2,440,000	$0	$0
2024		$0	$0	$2,440,000	$2,440,000	$0	$0
2025		$0	$0	$2,440,000	$2,440,000	$0	$0
2026		$0	$0	$2,440,000	$2,440,000	$0	$0
2027		$0	$0	$2,440,000	$2,440,000	$0	$0
2028		$0	$0	$2,440,000	$2,440,000	$0	$0
Total (net) undiscounted			$0		$3,134,000		$0
Total (net) present value (3 percent)			**$29,353**		**$3,079,883**		**$15,411**
Total (net) present value (7 percent)			**$66,611**		**$3,012,449**		**$34,971**

Exhibit 9. (Continued) Total Present Value Costs to Foreign Posts in Post-Statute Years (2019 U.S. Dollars, 2019 Base Year)

YEAR	KEY IN AED DATA ELEMENTS	ACCEPT REJECTED PACKAGES WITHOUT AED	TOTAL (NET)
2018		Qualitative	$396,500
2019	$15,937,686		$17,945,686
2020	$17,743,428		$18,472,928
2021	$19,952,257		$19,952,257
2022	$19,952,257		$19,952,257
2023	$19,952,257		$19,952,257
2024	$19,952,257		$19,952,257
2025	$19,952,257		$19,952,257
2026	$19,952,257		$19,952,257
2027	$19,952,257		$19,952,257
2028	$19,952,257		$19,952,257
Total (net) undiscounted	$193,299,167		$196,433,167
Total (net) present value (3 percent)	**$169,143,636**		**$172,268,283**
Total (net) present value (7 percent)	**$143,866,946**		**$146,980,977**

Source: IEc calculations using data from various sources. See main text for details.
Notes:
2018 included due to one-time startup costs incurred in year before AED launch in 2019 in "with rule" scenario. Present value calculated with respect to number of years in post-statute period (2019-2028).

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Exhibit 10 presents the combined cost of the rule in the United States, including costs incurred by CBP and USPS. We estimate the total present value cost incurred in the pre-statute period ranges from approximately $29 million to $33 million, assuming discount rates of 3 and 7 percent, respectively. In the post-statute period, total present value costs likely to be incurred by these entities range from $80 million to $94 million, assuming discount rates of 7 and 3 percent, respectively. Over the combined 16-year period (2013 through 2028), present value costs range from $110 million to $120 million, assuming discount rates of 7 and 3 percent, respectively.

For the purpose of preparing the Circular A–4 (OMB 2003) accounting statement (presented in Exhibits 13 and 14), we also estimate the equal annual payment that would need to be made over the period of analysis to achieve the present value costs estimated in Exhibit 10. On an annualized basis, total costs in the post-statute period are approximately $11 million, regardless of discount rate. Over the entire 16-year period, U.S. costs range from $7.7 to $8.3 million on an annualized basis, assuming discount rates of 7 and 3 percent, respectively. Annualized costs are smaller over the longer period because the relatively larger costs incurred in the post-statute period are spread over more years.

EXHIBIT 10—TOTAL PRESENT VALUE COSTS OF THE IFR FOR U.S.-BASED ACTORS

[2019 U.S. dollars, 2019 base year]

	Pre-statute period (2013–2018)	Post-statute period (2019–2028)	Overall (2013–2028)
Undiscounted Values:			
CBP	$17,236,559	$55,504,555	$72,741,113

EXHIBIT 10—TOTAL PRESENT VALUE COSTS OF THE IFR FOR U.S.-BASED ACTORS—Continued

[2019 U.S. dollars, 2019 base year]

	Pre-statute period (2013–2018)	Post-statute period (2019–2028)	Overall (2013–2028)
USPS	10,471,201	55,755,657	66,226,858
Total	27,707,760	111,260,212	138,967,971
Total Present Value:			
3 percent	30,315,939	97,421,341	127,737,280
7 percent	34,173,540	82,932,789	117,106,328
Annualized:			
3 percent		11,088,110	8,268,550
7 percent		11,035,293	7,719,980

Other Non-Quantified Costs:

Additional non-quantified costs include past and future training time for CBP and USPS staff, time spent by USPS to develop and negotiate MOU and SOPs with CBP, and time spent by USPS to negotiate AED sharing agreements with foreign posts. Furthermore, USPS will incur additional costs if it is required to separate, store, return, or destroy mail that arrives without AED, and intended U.S. recipients of this mail will experience delay costs. These costs will only result from long-term non-compliance, and CBP and USPS will continue to work with foreign posts to ensure that this does not take place.

Source: IEc calculations using data from various sources. See main text for details.

Notes:

1. We estimate the annualized cost over the post-statute period (2019–2028) from the perspective of an individual in 2019. This reflects the equal payment that would need to be made in each future year to equal the total present value of the costs.
2. We estimate the annualized cost over the full period of analysis (2013–2028) from the perspective of an individual in 2013, when U.S.-based actors started incurring costs related to the pilots. This reflects the equal payment that would need to be made during the pre- and post-statute years to equal the total present value of the costs.
3. Totals may not sum due to rounding.

Exhibit 11 presents the total cost of the pilot and interim final rule, including costs incurred by both U.S. actors (CBP and USPS) and non-U.S. actors (the foreign posts). Specifically, we estimate total present value costs incurred in the pre-statute period are likely to range from $76 million to $84 million, assuming discount rates of 3 and 7 percent, respectively. In the post-statute period, we estimate that total present value costs are likely to range from $230 million to $270 million, assuming discount rates of 7 and 3 percent respectively. Over the entire 16-year period, total present value costs range from $310 million to $340 million, assuming discount rates of 7 and 3 percent, respectively.

On an annualized basis, total post-statute costs are estimated to be approximately $30 million, regardless of the discount rate assumption. Across the entire 16-year period, annualized costs range from $21 million to $22 million, assuming discount rates of 7 and 3 percent respectively. We present these annualized estimates for purposes of comparison with the estimates presented in Exhibit 10; however, for purposes of the Circular A–4 accounting statement, we focus on U.S.-based costs.[87]

EXHIBIT 11—TOTAL PRESENT VALUE COSTS OF THE IFR FOR U.S. AND NON-U.S. BASED ACTORS

[2019 U.S. dollars, 2019 base year]

	Pre-statute period (2013–2018)	Post-statute period (2019–2028)	Overall (2013–2028)
Undiscounted Values:			
U.S. Based Subtotal	$27,707,760	$111,260,212	$138,967,971
Non-U.S. Based Subtotal	43,243,315	196,433,167	239,676,483
Total	70,951,075	307,693,379	378,644,454
Total Present Value:			
3 percent	76,734,894	269,689,624	346,424,517
7 percent	85,097,565	229,913,765	315,011,330
Annualized:			
3 percent	30,695,001	22,424,373	
7 percent	30,593,035	20,766,436	

Other Non-Quantified Costs:

Additional non-quantified costs include past and future training time for CBP and USPS staff, time spent by USPS to develop and negotiate MOU and SOPs with CBP, and time spent by USPS and foreign posts to negotiate AED sharing agreements. Furthermore, USPS and/or foreign posts will incur additional costs if they are required to separate, store, return, or destroy mail that arrives without AED, and intended U.S. recipients will experience delay costs. These costs will only result from long-term non-compliance, and CBP and USPS will continue to work with foreign posts to ensure that this does not take place.

Source: IEc calculations using data from various sources. See main text for details.

[87] OMB's Circular A–4 (p. 15) states ''Your analysis should focus on benefits and costs that accrue to citizens and residents of the United States.'' For this reason, we include only costs to U.S. based actors in Exhibits 13 and 14.

Notes:
1. We estimate the annualized cost over the post-statute period (2019–2028) from the perspective of an individual in 2019. This reflects the equal payment that would need to be made in each future year to equal the total present value of the costs.
2. We estimate the annualized cost over the full period of analysis (2013–2028) from the perspective of an individual in 2013, when U.S.-based actors started incurring costs related to the pilots. This reflects the equal payment that would need to be made during the pre- and post-statute years to equal the total present value of the costs.
3. Totals may not sum due to rounding.

5. Benefits of Rule

The AED interim final rule represents an important component of DHS's evolving layered strategy for limiting the flow of prohibited goods entering the United States. The rule provides CBP with earlier and more detailed information about international mail being received at IMFs. Specifically, the rule requires the information to be provided prior to loading the inbound mail shipment onto the transporting conveyance. The principal benefit of the new rule will be more precise identification of at-risk shipments at an earlier time. This information will allow for better targeting and aims to improve CBP's effectiveness in preventing prohibited mail items from entering the commerce of the United States.

Our analysis examines how AED may reduce adverse opioid-related outcomes. While this category of benefits is one of many possible outcomes of the rule, our focus on opioids reflects the principal objective of the STOP Act and the relative share of benefits that we anticipate will be attributable to this category.[88] We also emphasize seizures of fentanyl and related compounds because the drug disproportionately influences opioid-related deaths and international mail is a major distribution channel for producers in China and elsewhere.[89]

For context, from 2017 to 2018, CBP officers at IMFs seized 616 mail containing fentanyl, totaling 119 kilograms of the drug, or 59.5 kilograms per year. This volume of fentanyl seizures is significant, particularly considering its high purity (*i.e.,* exceeding 90 percent by weight, CEA 2019). The influence of these seizures can be gauged by comparing the dosage to heroin consumption in the United States. Assuming a moderately high purity of 75 percent for seized fentanyl at IMFs and that 0.25 to 1 milligram of fentanyl is equivalent to a single dose of heroin, this represents roughly 45 to 179 million replacement doses seized annually. Put another way, the fentanyl seized at IMFs annually is equivalent to approximately 4 percent of the total heroin consumption annually, assuming 40 metric tons of heroin consumption and a 40:1 potency ratio of fentanyl relative to heroin.[90] [91]

Replacement doses may also be transformed into another metric, person-years of use, using basic assumptions on doses per year. Assuming 1,000 doses per person-year of use, the seized fentanyl represents roughly 45,000 to 179,000 person-years of use. The death rate per person-year of use is likely between one and four percent, meaning this annual volume of seizures may represent 450 to 7,160 overdose deaths in total.[92] [93]

Notably, current seizures are not fully attributable to the pilot program. While AED may aid in the detection and seizure of fentanyl, the total seizure amount is likely also due to other forms of targeting, including screening mail from countries of interest. Nonetheless, the staggering volume of fentanyl seizures suggests that even small improvements in CBP's targeting capabilities resulting from the use of AED will likely result in benefits exceeding the cost of obtaining and using AED in the targeting process. We also note that efforts to reduce the risk of opioid addiction, consistent with Executive Order 13563, help promote ''values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.'' This is so especially in view of the fact that the relevant risks, including that or premature death, are often inflicted on particularly vulnerable members of society.

The interim final rule will only generate benefits if AED improves CBP's ability to target mail containing illicit goods. Data from the JFK pilot provides clear evidence that AED improves CBP's ability to target mail containing illicit goods. AED targeting increased the seizure rate per inspection from 9.29 percent under conventional targeting to 16.26 percent. CBP believes that this will result in a higher seizure rate of fentanyl and other dangerous goods, but CBP databases do not separately track AED seizures for fentanyl specifically compared to conventional targeting. While data doesn't exist to show that fentanyl seizures would have also increased due to AED, there is no reason to believe that fentanyl seizures would be different from overall seizures in this regard. During the regulatory period, the improvements in targeting will be applied to a much larger portion of mail than in the pilot period because AED will be the standard requirement for all countries. CBP has seen bad actors use transshipment as a means of circumventing the enhanced enforcement that results from advance reporting of data. Requiring all countries to submit AED will close this security gap and increase the seizures from all countries. The exact effect of these seizures on the growing opioid epidemic is less clear. Literature on the effectiveness of supply-side drug policy is both limited and discouraging. For the fentanyl market, empirical studies on drug interdiction have not yet been published. However, available qualitative literature in related markets provides a more optimistic perspective on the anticipated outcomes stemming from the interim final rule because of fentanyl's lethality and its ongoing emergence as an illicit market. As discussed in more detail in section 5.1 of the full regulatory impact analysis available in the docket of this rulemaking, because fentanyl's emergence in illicit markets is relatively new, there is reason to believe that increased interdiction would reduce overall illicit use of fentanyl.

Nonetheless, data limitations hinder our ability to quantify the effectiveness, and thus the benefits, of the interim final rule. Most notably, we are unable to quantify the effect of fentanyl seizures on total use of the drug. Our assessment of benefits is therefore

[88] Other potential benefits include: Reduced supply of illicit drugs and adverse drug-related outcomes; improved competitiveness for U.S. businesses facing counterfeit items from foreign markets; and reduced risks to the U.S. agricultural sector in the form of invasive pests, plants, and contagious diseases.

[89] U.S. Government Accountability Office, *Illicit Opioids: While Greater Attention Given to Combating Synthetic Opioids, Agencies Need to Better Assess their Efforts.* GAO–18–205 (2018, p. 9–10) (''GAO, *Illicit Opioids*'').

[90] RAND (2014, p. 5) previously estimated annual U.S. heroin consumption totaled roughly 25 metric tons from 2000 to 2010, with growth later in the time period. Personal communication with Dr. Jonathan Caulkins on May 20, 2019 indicates that 40 metric tons may be an appropriate assumption for current heroin consumption.

[91] 4 percent = [59.5 kilograms of fentanyl * 0.75 purity adjustment * 40 units of heroin per unit fentanyl * 0.001 metric tons per kilogram]/40 metric tons of heroin consumed annually.

[92] Personal communication with Dr. Jonathan Caulkins, Carnegie Mellon University, May 20, 2019.

[93] 450 = 45,000 person-years * 0.01 deaths per person-year of use. 7,160 = 179,000 person-years * 0.04 deaths per person-year of use.

limited to this qualitative discussion. Quantification of the benefits of the interim final rule is unusually challenging. While the pilot programs suggest that the rule may result in additional package seizures, it is not possible to extrapolate from any estimated increase in seized packages a number to represent likely benefits, including mortality reductions, from the interim final rule. This is particularly true because of uncertainty about the effectiveness of supply-side drug policies.

Important intended effects of the interim final rule are reduced mortalities from overdoses; other important intended effects include reductions in morbidity resulting from opioid addiction. It is possible to imagine a range of plausible scenarios, in which the interim final rule has different impacts on health and economic end-states. Further, while the rule is focused on the prevention of opioid deaths as its intended goal, additional information for targeted cargo screening obtained through AED could also be used to screen for CBP's other targets such as counterfeit and dangerous goods, fraudulent goods, or illicit biological matter, or even in counterterrorism. As it related to opioids, DHS is able to describe possible scenarios rather than estimates of net benefits. Each of those scenarios involves a degree of speculation, making it hazardous to make even qualitative judgments about which is most likely to occur.

As its standard practice, DHS values a statistical life at $9.6 million.[94] The quantified costs of the rule from the post-statute period are about $31 million annualized, but the unquantified costs of the rule may be substantial. Under one scenario, the interim final rule could have a moderate effect, preventing ten premature deaths annually; under a more conservative scenario, the interim final rule could have a more modest effect, perhaps preventing five premature deaths annually. Under the moderate scenario if the rule prevented 10 premature deaths by screening for and successfully seizing opioids as they enter the country, and if the unquantified costs were roughly equal to the quantified costs, the rule could provide benefits well in excess of costs. Under the more modest scenario if the rule prevented five premature deaths and if the unquantified costs were roughly equal to half the quantified costs, the rule would also have benefits in excess of costs. Accepting the high degree of uncertainty, taking account of the magnitude of the underlying problem, and recognizing that the rule is likely to have additional benefits from assisting CBP's targeting to prevent smuggling of other items, DHS believes, in the terms of Executive Order 13563, ''that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify).''

6. Regulatory Alternatives

CBP is considering three alternative time frames by which CBP must electronically receive AED from USPS: The preferred alternative that is the subject of the extensive quantitative analysis presented in this RIA, as well as two additional alternatives that are more and less stringent. Below we describe each alternative:

Alternative 1 (the preferred alternative): CBP must receive AED from USPS as soon as practicable, but no later than prior to loading the inbound international mail shipment onto the transporting conveyance destined for the United States. CBP must electronically receive from the USPS updates to the AED, if any of the submitted data changes or more accurate data becomes available after the USPS transmits the AED. USPS must provide these updates as soon as it becomes aware that any of the submitted data changes or as soon as it becomes aware that more accurate data is available. USPS must submit updated information up until the timeframes set forth for updating AED in 19 CFR 122.48b(b)(2) (which matches the requirement to update AED currently required for commercial cargo shipments). USPS may submit updates up until the mail shipment arrives at the first CBP port in the United States.

Alternative 2: Same as Alternative 1; however, instead of requiring USPS to update AED if any of the submitted data elements changes or more details are provided, CBP would require USPS to provide updated AED for all mail shipments regardless of a change to confirm PREDES data prior to departure of the transport from the origin post.

Alternative 3: Same as Alternative 1; however, instead of requiring USPS to transmit AED prior to loading, CBP would require USPS to transmit AED information prior to arrival.

By evaluating these three alternatives, CBP is seeking the most favorable balance between benefits (*i.e.,* security outcomes) and costs. In summary:

- CBP believes that Alternative 1 provides the most favorable combination of cost and stringency as it allows for flexibility while meeting the necessary security requirements.
- Alternative 2 is the most stringent alternative, and its costs are likely to be greater than the costs estimated for Alternative 1. At the same time, this alternative would likely result in increased benefits due to better targeting (*i.e.,* more time to conduct risk assessments based on information provided in the updated AED as well as providing greater certainty in the accuracy of the information). However, CBP anticipates that the increased benefits are marginal and do not justify the additional costs.
- Alternative 3 is the least stringent alternative, and its costs are likely lower than the costs we estimate for Alternative 1. However, these cost savings come at the expense of providing the time required for CBP to properly perform risk assessments, potentially resulting in many packages with AED going unanalyzed. Though this alternative would give the foreign posts and USPS more time to transmit the information to CBP and could lead to fewer corrections, most filings can be submitted by the Alternative 1 time frame without a problem, and Alternative 3 may not provide adequate security.

7. Net Impact of Rule

Exhibit 13 provides a cost accounting statement for the interim final rule (post-statute period, 2019 through 2028). Exhibit 14 provides a cost accounting statement for the overall time frame of this analysis (pre-statute and post-statute periods, 2013 through 2028).

EXHIBIT 13—ACCOUNTING STATEMENT: POST-STATUTE DOMESTIC COSTS

	3 Percent discount rate	7 Percent discount rate
U.S. Costs (2019 USD):		
Annualized monetized costs	$11 million	$11 million.

[94] *https://www.transportation.gov/sites/dot.gov/files/docs/2016%20Revised%20Value%20of%20a%20Statistical%20Life%20Guidance.pdf.*

EXHIBIT 13—ACCOUNTING STATEMENT: POST-STATUTE DOMESTIC COSTS—Continued

	3 Percent discount rate	7 Percent discount rate
Annualized quantified, but non-monetized costs	None quantified	None quantified.
Qualitative (non-quantified) costs	Costs to CBP and USPS to develop MOU and SOPs with each other and to train staff; and costs for USPS to negotiate AED sharing agreements with foreign posts.	
U.S. Benefits:		
Annualized monetized benefits	None monetized	None monetized.
Annualized quantified, but non-monetized benefits	None quantified	None quantified.
Qualitative (non-quantified) benefits	The principal benefit of the new rule will be more precise identification of mail shipments with illicit goods at an earlier time, improving CBP's effectiveness in preventing prohibited mail items from entering the commerce of the United States. In the pilot program, AED targeting increased the seizure rate per inspection from 9.29 percent under conventional targeting to 16.26 percent. The anticipated benefits of this rule are wide-ranging given the breadth of prohibited items but may include reduced supply of illicit drugs and adverse-drug related outcomes; improved competitiveness for U.S. businesses facing counterfeit items from foreign markets; and reduced risks to the U.S. agricultural sector in the form of invasive pests, plants, and contagious diseases.	

EXHIBIT 14—ACCOUNTING STATEMENT: OVERALL COST OF RULE

[Pre- and post-statute costs]

	3 Percent discount rate	7 Percent discount rate
U.S. Costs (2019 USD):		
Annualized monetized costs	$8.3 million	$7.7 million.
Annualized quantified, but non-monetized costs	None quantified	None quantified.
Qualitative (non-quantified) costs	Costs to CBP and USPS to develop MOU and SOPs with each other and to train staff; and costs for USPS to negotiate AED sharing agreements with foreign posts.	
U.S. Benefits:		
Annualized monetized benefits	None monetized	None monetized.
Annualized quantified, but non-monetized benefits	None quantified	None quantified.
Qualitative (non-quantified) benefits	The principal benefit of the new rule will be more precise identification of mail shipments with illicit goods at an earlier time, improving CBP's effectiveness in preventing prohibited mail items from entering the commerce of the United States. In the pilot program, AED targeting increased the seizure rate per inspection from 9.29 percent under conventional targeting to 16.26 percent. The anticipated benefits of this rule are wide-ranging given the breadth of prohibited items but may include reduced supply of illicit drugs and adverse-drug related outcomes; improved competitiveness for U.S. businesses facing counterfeit items from foreign markets; and reduced risks to the U.S. agricultural sector in the form of invasive pests, plants, and contagious diseases.	

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to examine the impact a rule would have on small entities. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people). Because this rule is being issued as an interim final rule under the good cause exception (5 U.S.C. 553(b)(B)), as set forth above, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act (5 U.S.C. 601–612).

D. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

E. Privacy

CBP will ensure that all Privacy Act requirements and policies are adhered to in the implementation of this rule, and will issue or update any necessary Privacy Impact Assessment and/or Privacy Act System of Records notice to fully outline processes that will ensure compliance with Privacy Act protections.

F. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that CBP consider the impact of paperwork and other information collection burdens

imposed on the public. There is no new information collection request burden placed on the public associated with this rule as the burden is imposed on a partner government agency. As such, the provisions of the Act do not apply to this rule.

G. Other Regulatory Requirements

For purposes of Congressional Review Act (CRA), the Office of Management and Budget (OMB) makes a determination as to whether a final rule constitutes a ''major'' rule. 5 U.S.C. 801–808. If a rule is deemed a ''major rule'' by the OMB, the CRA generally provides that the rule may not take effect until at least 60 days following its publication. 5 U.S.C. 801(a)(3). However, the CRA provides that if agency finds good cause that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the rule shall take effect at such time as the agency determines. 5 U.S.C. 808(2).

The CRA defines a ''major rule'' as any rule that the Administrator of the Office of Information and Regulatory Affairs of the OMB finds has resulted in or is likely to result in—(A) an annual effect on the economy of $100,000,000 or more; (B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or (C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic and export markets. 5 U.S.C. 804(2). The Office of Information and Regulatory Affairs has determined that this rule does constitute a major rule under 5 U.S.C. 804. However, DHS is proceeding with good cause and this rule will not be subject to the typical 60 day delayed effective date. *See* 5 U.S.C. 808(2). As discussed in more detail in section V.A *Administrative Procedure Act,* the COVID–19 pandemic has accelerated drug overdose deaths, resulting in over 81,000 drug overdose deaths in the 12-month period ending in May 2020. CDC notes that ''synthetic opioids (primarily illicitly manufactured fentanyl) appear to be the driver,'' increasing 38.4 percent relative to the prior year. Ten western states reported a more than 98 percent increase in synthetic opioid-involved deaths over the same period.[95] CBP believes this rule will address a regulatory gap related the importation of illicit opioids and that delaying the implementation of this rule could result in serious harm to public health and safety by continuing to allow the illicit flow of opioids into the country while the procedural periods elapse.

H. Required Report to Congress

Pursuant to section 343(a)(3)(L) of the Trade Act of 2002 (19 U.S.C. 1415 (a)(3)(L)), DHS must submit a report regarding this interim final rule document to the Committees on Finance and Commerce, Science, and Transportation of the Senate and the Committees on Ways and Means and Transportation and Infrastructure of the House of Representatives not later than 15 days prior to publication in the **Federal Register**. DHS has timely submitted the required report.

VI. Signing Authority

The signing authority for this document falls under 19 CFR 0.2(a). Accordingly, this document is signed by the Secretary of Homeland Security.

List of Subjects

19 CFR Part 4

Exports, Freight, Harbors, Maritime carriers, Oil pollution, Reporting and recordkeeping requirements, Vessels.

19 CFR Part 122

Administrative practice and procedure, Air carriers, Aircraft, Airports, Alcohol and alcoholic beverages, Cigars and cigarettes, Cuba, Drug traffic control, Freight, Penalties, Reporting and recordkeeping requirements, Security measures.

19 CFR Part 123

Canada, Freight, International boundaries, Mexico, Motor carriers, Railroads, Reporting and recordkeeping requirements, Vessels.

19 CFR Part 145

Exports, Lotteries, Postal Service, Reporting and recordkeeping requirements.

19 CFR Part 149

Foreign trade, Foreign trade zones, Freight, Imports, Reporting and recordkeeping requirements, Vessels.

Regulatory Amendments

For the reasons set forth above, CBP amends parts 4, 122, 123, 145, and 149 of title 19 of the Code of Federal Regulations (19 CFR parts 4, 122, 123, 145, and 149) as follows:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

■ 1. The general authority citation for part 4 is revised to read and the specific authority citation for § 4.7 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1415, 1431, 1433, 1434, 1624, 2071 note; 46 U.S.C. 501, 60105.

* * * * *

Section 4.7 also issued under 19 U.S.C. 1581(a);

* * * * *

■ 2. In § 4.7, add paragraph (f) to read as follows:

§ 4.7 Inward foreign manifest; production on demand; contents and form; advance filing of cargo declaration.

* * * * *

(f) *Inbound international mail shipments.* This section does not apply to the United States Postal Service's transmission of advance electronic information for inbound international mail shipments by vessel, see § 145.74 of this chapter.

PART 122—AIR COMMERCE REGULATIONS

■ 3. The general authority citation for part 122 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1415, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

* * * * *

■ 4. In § 122.0, revise paragraph (a) to read as follows:

§ 122.0 Scope.

(a) *Applicability.* (1) The regulations in this part relate to the entry and clearance of aircraft and the transportation of persons and cargo by aircraft, and are applicable to all air commerce.

(2) The regulations in this part do not apply to the United States Postal Service's transmission of advance electronic information for inbound international mail shipments by air, see § 145.74 of this chapter.

* * * * *

PART 123—CBP RELATIONS WITH CANADA AND MEXICO

■ 5. The general authority citation for part 123 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1415, 1431, 1433, 1436, 1448, 1624, 2071 note.

* * * * *

■ 6. Revise § 123.0 to read as follows:

[95] Centers for Disease Control, Press Release, *Overdose Deaths Accelerated During COVID–19: Expanded Prevention Efforts Needed,* December 17, 2020, available at *https://www.cdc.gov/media/releases/2020/p1218-overdose-deaths-covid-19.html* (last accessed February 20, 2021).

§ 123.0 Scope.

This part contains special regulations pertaining to Customs procedures at the Canadian and Mexican borders. Included are provisions governing report of arrival, manifesting, unlading and lading, instruments of international traffic, shipments in transit through Canada or Mexico or through the United States, commercial traveler's samples transiting the United States or Canada, baggage arriving from Canada or Mexico including baggage transiting the United States or Canada or Mexico, and electronic information for rail and truck cargo in advance of arrival. Aircraft arriving from or departing for Canada or Mexico are governed by the provisions of part 122 of this chapter. The arrival of all vessels from, and clearance of all vessels departing for, Canada or Mexico are governed by the provisions of part 4 of this chapter. Fees for services provided in connection with the arrival of aircraft, vessels, vehicles and other conveyances from Canada or Mexico are set forth in § 24.22 of this chapter. Regulations pertaining to the treatment of goods from Canada or Mexico under the North American Free Trade Agreement are contained in part 181 of this chapter. The requirements for the United States Postal Service to transmit advance electronic information for inbound international mail shipments are set forth in § 145.74 of this chapter.

PART 145—MAIL IMPORTATIONS

■ 7. The authority citation for part 145 is amended by adding an entry for subpart G at the end to read in part as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States, 1624.

* * * * *

Subpart G also issued under 19 U.S.C. 1415, 1436.

■ 8. Revise § 145.0 to read as follows:

§ 145.0 Scope.

(a) The provisions of this part apply only to mail subject to Customs examination as set forth in § 145.2. This part contains regulations pertaining specifically to the importation of merchandise through the mail but does not contain all the regulations applicable to mail importations. Importations by mail are subject to the same requirements and restrictions as importations by any other means, except where more specific procedures for mail importations are set forth in this part. The fee applicable to each item of dutiable mail (other than Inbound Express Mail Service (EMS) items) for which Customs prepares documentation, and the fee applicable to all EMS items, is set forth in § 24.22 of this chapter.

(b) This part also contains regulations requiring the United States Postal Service (USPS) to transmit certain advance electronic data (AED) to U.S. Customs and Border Protection (CBP) for certain inbound international mail shipments as set forth in subpart G of this part.

■ 9. Add subpart G to read as follows:

Subpart G—Mandatory Advance Electronic Data for Mail Shipments

Sec.
145.73 Definitions.
145.74 Mandatory advance electronic data (AED).
145.75 Liability for civil penalties.

§ 145.73 Definitions.

For purposes of this subpart:

Designated operator means an entity officially designated by a member country of the UPU to operate postal services and fulfill its treaty obligations to the UPU. USPS is thus considered a designated operator for the United States.

Express Mail Service or *EMS* means the optional supplementary postal express service for documents and merchandise.

International Mail Facility or *IMF* means an official international mail processing center operated by CBP.

Item ID means the unique item identifier, in both human-readable and barcode format.

Letter class mail—documents means letter class (in UPU terms, letter post) mail containing only documents. Documents consist of any piece of written, drawn, printed or digital information, excluding objects of merchandise and may include M-Bags to the extent that such items do not contain goods.

Letter class mail—goods means letter class (in UPU terms, letter post) mail up to 2 kilograms containing goods, also referred to as ''small packets''. Mail over 2 kilograms containing goods must use a postal service other than letter class.

Parcel post means any mail article mailed at the parcel rate or equivalent class or category of postage.

Universal Postal Union or *UPU* means the specialized agency of the United Nations that sets the rules for international postal service for member countries.

§ 145.74 Mandatory advance electronic data (AED).

(a) *General requirements.* Pursuant to section 343(a)(3)(K) of the Trade Act of 2002 (Pub. L. 107–210, 19 U.S.C. 1415), as amended, for certain inbound international mail shipments identified in paragraph (b) of this section, CBP must electronically receive from USPS within the time frames specified in paragraph (c)(1) of this section certain mandatory advance electronic data (AED) and updates thereto as set forth in paragraph (c)(2) of this section.

(b) *Inbound international mail shipments where*—(1) *AED is required.* Except as provided in paragraphs (b)(2) and (e) of this section, CBP must electronically receive AED from USPS for inbound international mail shipments containing goods classified as Express Mail Service (EMS), Parcel post, or Letter class mail—goods.

(2) *AED is not required.* AED is not required for:

(i) Letter class mail—documents;

(ii) Items for the blind consisting of correspondence, literature in whatever format including sound recordings, and equipment or materials of any kind made or adapted to assist blind persons in overcoming the problems of blindness (up to 7 kilograms);

(iii) Items sent as Parcel post or EMS that do not contain goods;

(iii) Returned U.S. origin items;

(iv) Items transiting the U.S. in closed transit; and

(v) Items sent as U.S. domestic mail, or mail treated as domestic, including mail to or from APO, FPO, and DPO addresses, mail to or from U.S. territories and possessions, and mail to, from or between the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(c) *Time frames for providing and updating AED*—(1) *Providing AED.* CBP must electronically receive from USPS the AED identified in paragraph (d) of this section as soon as practicable, but no later than prior to loading the inbound international mail shipment onto the transporting conveyance.

(2) *Updating AED.* CBP must electronically receive from USPS updates to the AED if any of the submitted data changes or more accurate data becomes available after USPS transmits the AED. USPS must provide these updates as soon as it becomes aware that any of the submitted data changes or as soon as it becomes aware that more accurate data is available. USPS must submit updated information up until the time frame specified in § 122.48b(b)(2) of this chapter and may submit updates up until the time the mail shipment arrives at the CBP port of arrival in the United States.

(d) *Required AED.* CBP must electronically receive from USPS within the time frames specified in paragraph (c) of this section the AED set forth in paragraphs (d)(1) and (2) of this section:

(1) *Item attribute information.* The AED must include the following information about the attributes (characteristics) of mail items and their contents. This information may be provided through the item attribute or ''ITMATT'' information that USPS receives from the origin post in an electronic message that is the customs declaration equivalent to paper forms that satisfy the declaration requirements as set forth in § 145.11. An ''M'' next to any listed data element indicates that the data element is mandatory in all cases; an ''O'' next to the listed data element indicates that the data element is not mandatory, but preferred.

(i) Sender's Name (M);

(ii) Sender's Address (M);

(iii) Sender's Telephone/fax/email (O);

(iv) Recipient's Name (M);

(v) Recipient's Address (M);

(vi) Recipient's Telephone/fax/email (O);

(vii) Detailed description of contents (M);

(viii) Quantity (M);

(ix) Weight (M);

(x) Item ID (M);

(xi) Category of Item (gift, documents, sale of goods, commercial sample, merchandise, returned goods, other) (O);

(xii) Declared Value (M);

(xiii) Date of Posting (O);

(xiv) Postal Charges/Fees (O);

(xv) 10-digit HS Tariff Number (for commercial items) (O);

(xvi) Country of Origin of Goods (for commercial items) (O);

(xvii) Importer's reference (tax code, VAT number, importer number, etc.) (O);

(xviii) Importer's telephone/fax/email (O);

(xix) License Number (O);

(xx) Certificate Number (O);

(xxi) Invoice Number (O);

(xxii) Details if the goods are subject to quarantine, sanitary/phytosanitary inspection, or other restrictions (O); and

(xxiii) Designated operator (M).

(2) *Pre-advice of despatch information.* In addition to the information about each mail item in paragraph (d)(1) of this section, the required AED must also include the following information about the shipment, referred to as the ''dispatch'' or ''despatch,'' of mail receptacles of the same mail category and class sent from one post to another that includes the mail item. This information may be provided through the pre-advice of despatch or ''PREDES'' information that USPS receives from the origin post in an electronic message advising USPS about the shipment being sent.

(i) Dispatch information including origin post, destination post, and dispatch number;

(ii) Scheduled date and time of departure of the transporting conveyance;

(iii) Scheduled date and time of arrival in the United States;

(iv) Transportation information including carrier and, as applicable, flight number, voyage number, trip number, and/or transportation reference number;

(v) Scheduled International Mail Facility in the United States (IMF);

(vi) Total weight of the dispatch; and

(vii) The information for receptacles contained within the dispatch, including receptacle type, receptacle ID, and weight, as well as item ID for items nested to the receptacles, if applicable.

(e) *Exclusions from AED requirements for mail shipments from specific countries.* Pursuant to section 343(a)(3)(K)(vi) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(K)(vi)), CBP, in consultation with USPS, may determine that a specific country or countries do not have the capacity to collect and transmit AED, represent a low risk for mail shipments that violate relevant United States laws and regulations, and account for low volumes of mail shipments that can be effectively screened for compliance with relevant United States laws and regulations through an alternate means. In such case(s), CBP will inform USPS that mail shipments from that specific country or countries are excluded from the AED requirements in this section. CBP will re-evaluate these determinations at a minimum on an annual basis.

(f) *Compliance date of this section—full compliance required not later than December 31, 2020.* Except for mail shipments from countries that are excluded from AED requirements as set forth in paragraph (e) of this section, USPS must comply with the requirements of this section for 100 percent of mail shipments described in paragraph (b) of this section not later than December 31, 2020, as set forth in section 343(a)(3)(K)(vi) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(K)(vi)).

(g) *Shipments for which USPS has not complied with the AED requirements—*

(1) *Shipments received after December 31, 2020.* Pursuant to section 343(a)(3)(K)(vii) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(K)(vii)), USPS must, in consultation with CBP, refuse any shipments received after December 31, 2020, for which the AED required by this section is not received by CBP, unless remedial action is warranted in lieu of refusal of shipments. If remedial action is warranted, CBP and USPS will determine the appropriate remedial action. Remedial action includes, but is not limited to, destruction, seizure, controlled delivery or other law enforcement initiatives, or correction of the failure to provide the AED described in this section with respect to the shipments.

(2) *Certain shipments received during the period beginning on January 1, 2021, through March 15, 2021.* Pursuant to section 343(a)(3)(K)(vii) of the Trade Act of 2002 (19 U.S.C. 1415(a)(3)(K)(vii)) as amended by Sec. 802 Consolidated Appropriations Act, 2021, Public Law 116–260, notwithstanding paragraph (g)(1) of this section, during the period beginning on January 1, 2021, through March 15, 2021, the Postmaster General may accept a shipment without transmission of the information described in paragraph (d) of this section if the Commissioner determines, or concurs with the determination of the Postmaster General, that the shipment presents a low risk of violating any relevant United States statutes or regulations, including statutes or regulations relating to the importation of controlled substances such as fentanyl and other synthetic opioids.

§ 145.75 Liability for civil penalties.

(a)(1) Violation of § 145.74(g) after December 31, 2020, will result in USPS being liable for penalties in accordance with the provisions of 19 U.S.C. 1436(e)(1).

(2) The amount of the penalty will be $5,000 per violation.

(b) The penalty will be reduced or dismissed based on the factors specified in 19 U.S.C. 1436(e)(2).

PART 149—IMPORTER SECURITY FILING

■ 10. The authority citation for part 149 is revised to read as follows:

Authority: 5 U.S.C. 301; 6 U.S.C. 943; 19 U.S.C. 66, 1415, 1624, 2071 note.

■ 11. In § 149.1, amend paragraph (a) by adding two sentences at the end of the paragraph to read as follows:

§ 149.1 Definitions.

(a) * * * For the purposes of this part the United States Postal Service is not an ISF Importer. Regulations related to the transmittal of advance electronic information for inbound international

mail shipments are set forth in § 145.74 of this chapter.

* * * * *

Alejandro N. Mayorkas,

Secretary of Homeland Security.

[FR Doc. 2021–04373 Filed 3–12–21; 8:45 am]

BILLING CODE 9111–14–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans to prescribe interest assumptions under the asset allocation regulation for plans with valuation dates in the second quarter of 2021. These interest assumptions are used for valuing benefits under terminating single-employer plans and for other purposes.

DATES: Effective April 1, 2021.

FOR FURTHER INFORMATION CONTACT: Hilary Duke (*duke.hilary@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005, 202–229–3839. (TTY users may call the Federal relay service toll free at 1–800–877–8339 and ask to be connected to 202–229–3839.)

SUPPLEMENTARY INFORMATION: PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions—including interest assumptions—for valuing benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974 (ERISA). The interest assumptions in the regulation are also published on PBGC's website (*https://www.pbgc.gov*).

PBGC uses the interest assumptions in appendix B to part 4044 (''Interest Rates Used to Value Benefits'') to determine the present value of annuities in an involuntary or distress termination of a single-employer plan under the asset allocation regulation. The assumptions are also used to determine the value of multiemployer plan benefits and certain assets when a plan terminates by mass withdrawal in accordance with PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281).

The second quarter 2021 interest assumptions will be 1.82 percent for the first 20 years following the valuation date and 1.68 percent thereafter. In comparison with the interest assumptions in effect for the first quarter of 2021, these interest assumptions represent no change in the select period (the period during which the select rate (the initial rate) applies), an increase of 0.13 percent in the select rate, and an increase of 0.02 percent in the ultimate rate (the final rate).

Need for Immediate Guidance

PBGC has determined that notice of, and public comment on, this rule are impracticable, unnecessary, and contrary to the public interest. PBGC routinely updates the interest assumptions in appendix B of the asset allocation regulation each quarter so that they are available to value benefits. Accordingly, PBGC finds that the public interest is best served by issuing this rule expeditiously, without an opportunity for notice and comment, and that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication to allow the use of the proper assumptions to estimate the value of plan benefits for plans with valuation dates early in the second quarter of 2021.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 2. In appendix B to part 4044, an entry for ''April–June 2021'' is added at the end of the table to read as follows:

Appendix B to Part 4044—Interest Rates Used To Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* *	*	*	*	*	*	*
April–June 2021	0.0182	1–20	0.0168	>20	N/A	N/A

Issued in Washington, DC.

Hilary Duke,

Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2021–05141 Filed 3–12–21; 8:45 am]

BILLING CODE 7709–02–P

Proposed Rules

Federal Register
Vol. 86, No. 48
Monday, March 15, 2021

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0016; Project Identifier 2019–SW–114–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

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 Model EC225LP helicopters. This proposed AD was prompted by reports of an oil leak from the main gearbox (MGB) during engine start up. This proposed AD would require modification and subsequent repetitive functional testing of the MGB emergency lubrication (EMLUB) system as specified in a European Union 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 29, 2021.

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

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

For 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–2021–0016.

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–2021–0016; 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: 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:

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–2021–0016; Project Identifier 2019–SW–114–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 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 NPRM. Submissions containing CBI should be sent to 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.* 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, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2016–0232, dated November 22, 2016 (EASA AD 2016–0232), to correct an unsafe condition for Airbus Helicopters Model EC 225 LP helicopters. EASA later issued EASA AD No. 2016–0232R1, dated December 12, 2019 (EASA AD 2016–0232R1), to revise EASA AD 2016–0232.

This proposed AD was prompted by reports of oil leaks during engine starting, originating from the MGB. The FAA is proposing this AD to address inadvertent opening of the P 2.4 valve of the MGB EMLUB system, which results from pressurization by compressed air produced by the engine during starting in response to a signal from the EMLUB electronic control card. This condition, if not addressed, could result in loss of the MGB main lubrication system and reduced ability of the crew to manage adverse operating

conditions. See EASA AD 2016–0232R1 for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2016–0232R1 requires modifying the electrical control circuit of the MGB EMLUB system. After modifying, EASA AD 2016–0232R1 requires a repetitive functional test of the MGB EMLUB system, and if there is a discrepancy, accomplishing corrective action(s). Accomplishing any corrective action(s) does not constitute terminating action for the repetitive functional tests.

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

These products have been approved by the aviation authority of another country, and are 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 EASA AD 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 2016–0232R1, 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 EASA 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 2016–0232R1 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2016–0232R1 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 2016–0232R1 that is required for compliance with EASA AD 2016–0232R1 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0016 after the FAA final rule is published.

Differences Between This Proposed AD and the EASA AD

Where EASA AD 2016–0232R1 refers December 6, 2016 (the effective date of EASA AD 2016–0232), this proposed AD would require using the effective date of the final rule. EASA AD 2016–0232R1 allows an additional interval margin of 225 flight hours (FH), while this proposed AD does not. Where the service information referenced in the EASA AD requires contacting Airbus Helicopters for corrective action, this proposed AD would require accomplishing the corrective action using a method approved by the Manager, Strategic Policy Rotorcraft Section, FAA.

Costs of Compliance

The FAA estimates that this proposed AD affects 24 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 proposed AD.

Modifying the electrical control circuit of the MGB EMLUB system would take about 22 work-hours and parts would cost about $1,592, for an estimated cost of $3,462 per helicopter and $83,088 for the U.S. fleet.

Functional testing of the EMLUB system would take about 12 work-hours for an estimated cost of $1,020 per helicopter and $24,480 for U.S. fleet, per testing cycle.

If the electrical functional test results in a need to replace the lubrication printed circuit board, the replacement time would take 2 work-hours and the part would cost $5,150 per helicopter for an estimated cost of $5,320 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 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: Docket No. FAA–2021–0016; Project Identifier 2019–SW–114–AD.

(a) Comments Due Date

The FAA must receive comments by April 29, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model EC225LP helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6397, Main Rotor Drive System Wiring.

(e) Reason

This AD was prompted by reports of oil leaks during engine starting, originating from the main gearbox (MGB). The FAA is issuing this AD to address the inadvertent opening of the P 2.4 valve of the MGB emergency lubrication (EMLUB) system, which results from MGB pressurization by compressed air produced by the engine during starting in response to a signal from the EMLUB electronic control card. This condition could result in loss of the MGB lubrication system and a reduced ability of the crew to manage adverse operating conditions.

(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 AD No. 2016–0232R1, dated December 12, 2019 (EASA AD 2016–0232R1).

(h) Exceptions to EASA AD 2016–0232R1

(1) Where EASA AD 2016–0232R1 refers December 6, 2016 (the effective date of European Aviation Safety Agency AD No. 2016–0232, dated November 22, 2016), this AD requires using the effective date of this AD.

(2) Where EASA AD 2016–0232R1 refers to flight hours (FH), this AD requires using hours time-in-service (TIS).

(3) Where paragraph (2) of EASA AD 2016–0232R1 allows an additional interval margin of 225 FH, this AD does not. This AD requires accomplishing the functional tests within 600 hours TIS, and thereafter at intervals not to exceed 600 hours TIS.

(4) Where the service information referenced in EASA AD 2016–0232R1 requires contacting Airbus Helicopters technical support, this AD requires that the corrective action be accomplished using a method approved by the Manager, Strategic Policy Rotorcraft Section, FAA. The Manager's approval letter must specifically refer to this AD.

(5) The ''Remarks'' section of EASA AD 2016–0232R1 does not apply to this AD.

(i) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the helicopter can be modified (if the operator elects to do so), provided the helicopter is operated under visual flight rules and without passengers only.

(j) 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: Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 470 L'Enfant Plaza SW, Washington, DC 20024; telephone 202–267–9167; 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.

(k) Related Information

(1) For EASA AD 2016–0232R1, 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–2021–0016.

(2) 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.*

Issued on January 27, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05196 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0138; Project Identifier MCAI–2020–01466–T]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited 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 BAE Systems (Operations) Limited Model BAe 146 and Model Avro 146–RJ series airplanes. This proposed AD was prompted by a report indicating that during a routine battery capacity check on the emergency light power units, the printed circuit boards (PCBs) for certain power units were found to show signs of burning. This proposed AD would require replacing each Honeywell emergency light power unit having a certain part number with a serviceable emergency light power unit. 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 29, 2021.

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

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

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0138; 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: Todd Thompson, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3228; email *Todd.Thompson@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–2021–0138; Project Identifier MCAI–2020–01466–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 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 NPRM. Submissions containing CBI should be sent to Todd Thompson, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3228; email *Todd.Thompson@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0237, dated October 28, 2020 (EASA AD 2020–0237) (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all BAE Systems (Operations) Limited Model BAe 146 and Model Avro 146–RJ series airplanes. You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0138.

This proposed AD was prompted by a report indicating that during a routine battery capacity check on the emergency light power units, the PCBs for power units LE 10 and LE 22 (Illustrated Parts Catalog (IPC) 33–50–00) were found to show signs of burning. The FAA is proposing this AD to address heat damage of the PCBs, which could lead to battery discharge and possibly result in lack of power supply to the emergency light units when needed. See the MCAI for additional background information.

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require replacing each Honeywell emergency light power unit having a certain part number with a serviceable emergency light power unit.

Costs of Compliance

The FAA estimates that this proposed AD affects 30 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
2 work-hours × $85 per hour = $170	$1,800	$1,970	$59,100

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:

BAE Systems (Operations) Limited: Docket No. FAA–2021–0138; Project Identifier MCAI–2020–01466–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 29, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all BAE Systems (Operations) Limited airplanes specified in paragraphs (c)(1) and (2) of this AD, certificated in any category.

(1) Model BAe 146–100A, –200A, and –300A airplanes.

(2) Model Avro 146–RJ70A, 146–RJ85A, and 146–RJ100A airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 33, Lights.

(e) Unsafe Condition

This AD was prompted by a report indicating that during a routine battery capacity check on the emergency light power units, the printed circuit boards (PCBs) for power units LE 10 and LE 22 (Illustrated Parts Catalog (IPC) 33–50–00) were found to show signs of burning. The FAA is issuing this AD to address heat damage of the PCBs, which could lead to battery discharge and possibly result in lack of power supply to the emergency light units when needed.

(f) Compliance

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

(g) Definitions

(1) An affected part is defined as a Honeywell emergency light power unit, having part number 60–3550–1, except for those modified and marked using the instructions specified in Honeywell Service Bulletin 60–3550–33–0001, Revision 1, dated September 3, 2013.

(2) A serviceable part is defined as an emergency light power unit that is not an affected part.

(3) Group 1 airplanes are those that have an affected part installed.

(4) Group 2 airplanes are those that do not have an affected part installed.

(h) Replacement

Within two months after the effective date of this AD: Replace each affected part with a serviceable part.

Note 1 to paragraph (h): BAE Systems (Operations) Limited Service Bulletin ISB.33–081, dated November 4, 2019, contains information related to the replacement specified in paragraph (h) of this AD.

(i) Parts Installation Prohibition

At the applicable compliance times specified in paragraphs (i)(1) or (2) of this AD, do not install an affected part on any airplane.

(1) For Group 1 airplanes: After replacement of each affected part on an airplane as specified in paragraph (h) of this AD.

(2) For Group 2 airplanes: As of the effective date of this AD.

(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 the European Union Aviation Safety Agency (EASA); or BAE Systems (Operations) Limited's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2020–0237, dated October 28, 2020, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0138.

(2) For more information about this AD, contact Todd Thompson, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3228; email *Todd.Thompson@faa.gov.*

Issued on March 3, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–05204 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26107; Project Identifier 2004–SW–30–AD]

RIN 2120–AA64

Airworthiness Directives; Carson Helicopters, Inc.; Croman Corporation; Sikorsky Aircraft Corporation; and Siller Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: The FAA is revising an earlier proposal for all Sikorsky Aircraft Corporation Model S–61 A, D, E, and V helicopters; Croman Corporation Model SH–3H helicopters, Carson Helicopters, Inc. Model S–61L helicopters; and Siller Helicopters Model CH–3E and SH–3A helicopters. This action revises the notice of proposed rulemaking (NPRM) by adding camshaft and gear housing part numbers that need to be marked and clarifying the applicability and certain compliance times. The FAA is proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions would impose an additional burden over that in the NPRM, the FAA is reopening the comment period to allow the public the chance to comment on these changes.

DATES: The comment period for the NPRM published in the **Federal Register** on October 30, 2006 (71 FR 63272), is reopened.

The FAA must receive comments on this SNPRM by April 29, 2021.

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

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

- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this SNPRM, contact your local Sikorsky Field Representative or Sikorsky's Service Engineering Group at Sikorsky Aircraft Corporation, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800-Winged-S; email *wcs_cust_service_eng.gr-sik@lmco.com.* Operators may also log on to the Sikorsky 360 website at *https://www.sikorsky360.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. For information on the availability of this material at the FAA, call 817–222–5110.

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–2006–26107; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this SNPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Isabel Saltzman, Aviation Safety Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; telephone 781–238–7649; email *Isabel.L.Saltzman@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–2006–26107; Project Identifier 2004–SW–30–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 SNPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this 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 SNPRM. Submissions containing CBI should be sent to Isabel Saltzman, Aviation Safety Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; telephone 781–238–7649; email *Isabel.L.Saltzman@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to all Sikorsky Aircraft Corporation Model S–61 A, D, E, and V helicopters; Croman Corporation Model SH–3H helicopters, Carson Helicopters, Inc. Model S–61L helicopters; and Siller Helicopters Model CH–3E and SH–3A helicopters. The NPRM published in the **Federal Register** on October 30, 2006 (71 FR 63272). The NPRM proposed to require creating a component history card or equivalent record and recording the hours time-in-service (TIS) and the external lift cycles (lift cycles) for each affected main gearbox input left and right freewheel unit (IFWU) assembly. The NPRM also proposed to require determining if the IFWU assembly is a repetitive external lift (REL) or non-REL IFWU assembly. The determination includes calculating a moving average of lift cycles per hour TIS at specified intervals on each IFWU assembly. For REL IFWU assemblies, the NPRM proposed to require repetitive inspections, which include visual and dimensional inspections, of the IFWU assembly for wear, surface distress, and endplay, recording certain information, and replacing affected parts with an airworthy part. In addition, the NPRM proposed to require permanently marking the REL IFWU camshafts and gear housings with the letters ''REL'' on the surface of these parts.

The NPRM was prompted by an accident in which the left and right IFWU assembly on a helicopter slipped or disengaged, resulting in both engines overspeeding, engine shutdowns, and loss of engine power to the transmissions. The FAA is proposing this AD to address slipping of the main gearbox IFWU assembly, loss of engine power, and subsequent loss of control of the helicopter.

Actions Since the NPRM Was Issued

Since the FAA issued the NPRM, the FAA determined that additional camshaft and gear housing part numbers need to be marked and the applicability and certain compliance times need clarification.

Comments

The FAA gave the public the opportunity to participate in developing this proposed AD. The FAA has considered the comments received.

Request To Fix Typographical Errors

Sikorsky Aircraft Corporation (Sikorsky) requested that the FAA fix two typographical errors. Sikorsky stated that in the third paragraph of the Discussion section in the NPRM, the citation for the alert service bulletin should read ''. . . 61B35–67B . . .'' (not ''61835–67B''), and the citation for the all operators letter should read ''. . . CCS–61–AOL–04–0005'' (not ''CCS–61AOL–04–0005'').

The FAA agrees with the request. The FAA has revised the citations accordingly.

Request To Revise Etching Language

Sikorsky requested that the etching language in paragraph (d) of the proposed AD (in the NPRM) (referred to as paragraph (j) of this proposed AD (in the SNPRM)) be revised from ''After etching neutralize the etched surface with oil to prevent corrosion'' to the following: ''After etching, neutralize the etched surface and oil to prevent corrosion.''

The FAA agrees with the request. The FAA has also clarified the compliance time by specifying ''Before further flight and after etching, neutralize the etched surface and oil to prevent corrosion'' in paragraph (j) of this proposed AD.

Request To Add Camshaft and Gear Housing Part Numbers

Sikorsky requested that the FAA add camshaft and gear housing part numbers to the ''Compliance'' section of the proposed AD. Sikorsky stated that additional IFWU camshaft part numbers 61350–24052 and 61350–24072 have been delivered in military versions of the S–61 and should be included on the assumption that some of these aircraft have been or may become certificated. Sikorsky also stated that additional IFWU gear housing part numbers 61350–24051 and 61350–24068 have been delivered in military versions of the S–61 and should be included on the assumption that some of these aircraft have been or may become certificated.

The FAA agrees. Paragraph (j) of this proposed AD has been revised accordingly.

Request To Require Installation of Redesigned IFWUs

Croman Corporation stated a redesigned #2 IFWU could be installed in the commercial gear box with minimal modifications, mostly to the oil system. The FAA infers that the commenter is requesting that the proposed AD require installing redesigned #2 IFWUs in lieu of accomplishing the proposed actions (*i.e.,* creating a component history card or equivalent record and recording the hours TIS and the lift cycles for each affected main gearbox IFWU assembly; determining if the IFWU assembly is a REL or non-REL assembly; for REL IFWU assemblies, repetitive inspections of the IFWU assembly for wear, surface distress, and endplay, recording certain information, and replacing affected parts; and permanently marking the REL IFWU camshafts and gear housings).

The FAA does not concur. The FAA has determined that the proposed actions adequately address the identified unsafe condition. However, the FAA might consider additional rulemaking if sufficient data is submitted to substantiate requiring the replacement of the IFWUs in lieu of doing the proposed actions.

Clarification of the Model Designations

The applicability of the proposed AD (in the NPRM) refers to Model S–61 A, D, E, V, SH–3H, S–61L; CH–3E, and SH–3A helicopters. The FAA has revised the applicability of this proposed AD (in the SNPRM) to refer to the model designations as specified in the most recent U.S. type certificate data sheet: Carson Helicopters, Inc., Model S–61L helicopters; Carson Helicopters, Inc., Model SH–3H helicopters; Croman Corporation Model SH–3H helicopters; Sikorsky Aircraft Corporation Model S–61A, S–61D, S–61E, and S–61V helicopters; Siller Helicopters Model CH–3E helicopters; and Siller Helicopters Model SH–3A helicopters.

Clarification of Certain Compliance Times

The FAA has clarified the compliance times specified in paragraphs (g), (h)(1), (i)(1), and (j) of this proposed AD.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Sikorsky Aircraft Corporation Alert Service Bulletin 61B35–67B, Revision B, dated August 11, 2003. This service information describes, among other actions, procedures for inspections, which includes visual and dimensional inspections, of the IFWU assembly for wear, surface distress, and endplay, and for recording certain information. 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 also reviewed Sikorsky Aircraft Corporation All Operators Letter (AOL) CCS–61–AOL–04–0005, dated May 18, 2004. This service information provides an example and additional information about tracking cycles and the moving average procedure.

The FAA also reviewed Sikorsky Aircraft S–61L/N Overhaul Manual, SA4045–83, Revision 20, dated August 15, 2003, as revised by Temporary Revisions 65–193, –194, –195, and –196, which contains the overhaul procedures for the IFWU assembly.

FAA's Determination

The FAA is proposing this AD because the agency evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. Certain changes described above expand the scope of the NPRM. As a result, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed Requirements of This SNPRM

This SNPRM would require creating a component history card or equivalent record and recording the hours TIS and the lift cycles for each affected main gearbox IFWU assembly; determining if the IFWU assembly is a REL or non-REL assembly; for REL IFWU assemblies, repetitive inspections of the IFWU assembly for wear, surface distress, and endplay, recording certain information, and replacing affected parts; and permanently marking the REL IFWU camshafts and gear housings.

Differences Between This Proposed AD and the Service Information

The effectivity of Sikorsky Aircraft Corporation Alert Service Bulletin 61B35–67B, Revision B, dated August 11, 2003, includes Model S–61 L, N, NM, and R helicopters. However, for those helicopters, the unsafe condition is addressed in AD 2007–01–05, Amendment 39–14876 (72 FR 1139, January 10, 2007). Therefore, those helicopters are not included in the applicability of this proposed AD.

Sikorsky Aircraft Corporation Alert Service Bulletin 61B35–67B, Revision B, dated August 11, 2003, specifies contacting Sikorsky and providing information to Sikorsky. This proposed AD does not require you to contact Sikorsky or provide information to Sikorsky.

Costs of Compliance

The FAA estimates that this proposed AD affects 55 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Creating history card; determining type of IFWU assembly; inspecting IFWU assemblies; recording information; replacing parts; and marking certain parts.	Up to 8 work-hours × $85 per hour = $680.	Up to $1,975	Up to $2,655	Up to $146,025.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Carson Helicopters, Inc.; Croman Corporation; Sikorsky Aircraft Corporation; and Siller Helicopters: Docket No. FAA–2006–26107; Project Identifier 2004–SW–30–AD.

(a) Comments Due Date

The FAA must receive comments by April 29, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to all helicopters identified in paragraphs (c)(1) through (6) of this AD, certificated in any category including restricted.

(1) Carson Helicopters, Inc., Model S–61L helicopters.

(2) Carson Helicopters, Inc., Model SH–3H helicopters.

(3) Croman Corporation Model SH–3H helicopters.

(4) Sikorsky Aircraft Corporation Model S–61A, S–61D, S–61E, and S–61V helicopters.

(5) Siller Helicopters Model CH–3E helicopters.

(6) Siller Helicopters Model SH–3A helicopters.

(d) Subject

Joint Aircraft System Component (JASC) Code 6310, Engine/Transmission Coupling.

(e) Unsafe Condition

This AD was prompted by an accident in which the left and right input freewheel unit (IFWU) assembly on a helicopter slipped or disengaged, resulting in both engines overspeeding, engine shutdowns, and loss of engine power to the transmissions. The FAA is issuing this AD to address slipping of the main gearbox IFWU assembly, loss of engine power, and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Creation of History Card or Equivalent and Daily Actions

Within 10 hours time-in-service (TIS) after the effective date of this AD, do the actions specified in paragraphs (g)(1) and (2) of this AD.

(1) Create an external lift component history card or equivalent record for each IFWU assembly, part number (P/N) 61074–35000–041 through 61074–35000–063 inclusive.

(2) Count and, at the end of each day's operations, record the number of external lift cycles (lift cycles) performed and the hours TIS for each IFWU assembly, P/N 61074–35000–041 through 61074–35000–063 inclusive. A ''lift cycle'' is defined as the lifting of an external load and subsequent release of the load. Record the lift cycles and hours TIS on the external lift component history card or equivalent record.

(h) Determination of IFWU Assembly Type and Calculations

(1) Upon reaching 250 hours TIS after the effective date of this AD on each IFWU assembly, P/N 61074–35000–041 through 61074–35000–063 inclusive, determine whether the IFWU assembly is a repetitive external lift (REL) or non-REL IFWU assembly by using a 250-hour TIS moving average. To perform the calculation, divide the total number of lift cycles performed during the first 250 hours TIS by 250. The result will be the first moving average calculation of lift cycles per hour TIS.

(i) If the calculation specified in paragraph (h)(1) of this AD results in more than 6 lift cycles per hour TIS, the IFWU assembly is an REL IFWU assembly.

(ii) If the calculation specified in paragraph (h)(1) of this AD results in 6 or less lift cycles per hour TIS, the IFWU assembly is a Non-REL IFWU assembly.

(2) For each IFWU assembly determined to be a Non-REL IFWU assembly based on the first calculation of the 250-hour TIS moving average for lift cycles specified in paragraph (h)(1) of this AD: Within 50 hours TIS after the determination, and thereafter at intervals of 50 hours TIS, recalculate the average lift cycles per hour TIS to determine whether the IFWU assembly is an REL or non-REL IFWU assembly. To perform the calculation, subtract the total number of lift cycles performed during the first 50-hour TIS interval used in the previous moving average calculation from the total number of lift cycles performed on the IFWU assembly during the previous 300 hours TIS. Divide this result by 250. The result will be the next or subsequent moving average calculation of lift cycles per hour TIS.

(i) If any calculation specified in paragraph (h)(2) of this AD results in more than 6 lift cycles per hour TIS, the IFWU assembly is an REL IFWU assembly.

(ii) If any calculation specified in paragraph (h)(2) of this AD results in 6 or less lift cycles per hour TIS, the IFWU assembly is a Non-REL IFWU assembly.

Note 1 to paragraph (h)(2): Sikorsky Aircraft Corporation All Operators Letter (AOL) CCS–61–AOL–04–0005, dated May 18, 2004, provides an example and additional information about tracking cycles and the moving average procedure.

Note 2 to paragraph (h)(2): The following is a sample calculation for subsequent 50 hour TIS intervals. Assume the total number of lift cycles for the first 50 hour TIS interval used in the previous moving average calculation = 450 lift cycles and the total number of lift cycles for the previous 300 hours TIS = 2,700 lift cycles. The subsequent moving average of lift cycles per hour TIS = (2,700 − 450) divided by 250 = 9 lift cycles per hour TIS.

(3) Once an IFWU assembly is determined to be an REL IFWU assembly, it remains an REL IFWU assembly for the rest of its service life and is subject to the inspection for REL IFWU assemblies required by paragraph (i) of this AD.

(4) Once an IFWU assembly is determined to be an REL IFWU assembly, you no longer need to perform the 250-hour TIS moving

average calculation required by paragraph (h)(2) of this AD, but you must continue to count and record the lift cycles as required by paragraph (g)(2) of this AD.

(i) Repetitive Inspections of REL IFWU Assemblies and Replacement

For each REL IFWU assembly, as determined by paragraph (h)(1) or (2) of this AD:

(1) Within 500 hours TIS or 7,500 lift cycles, whichever occurs first since the assembly was determined to be a REL IFWU assembly, and thereafter at intervals not to exceed 500 hours TIS or 7,500 lift cycles, whichever occurs first, inspect for wear, surface distress, and endplay by following paragraphs B.(1) through B.(6) of the Accomplishment Instructions of Sikorsky Aircraft Corporation Alert Service Bulletin 61B35–67B, Revision B, dated August 11, 2003. Record all the information specified in Figures 1 through 3 of the Sikorsky Aircraft Corporation Alert Service Bulletin 61B35–67B, Revision B, dated August 11, 2003. You may record this information on any suitable maintenance record, or you may use the Sikorsky evaluation forms provided in Sikorsky Aircraft Corporation Alert Service Bulletin 61B35–67B, Revision B, dated August 11, 2003. This AD does not require you to contact Sikorsky or provide information to Sikorsky.

(2) If during any inspection required by paragraph (i)(1) of this AD, any IFWU assembly part is found whose average wear, wear marks, surface distress, or endplay exceeds the limits specified in paragraphs B.(1) through B.(6) of the Accomplishment Instructions of Sikorsky Aircraft Corporation Alert Service Bulletin 61B35–67B, Revision B, dated August 11, 2003, before further flight, replace the affected part with an airworthy IFWU assembly part.

Note 3 to paragraph (i)(2): Sikorsky Aircraft S–61L/N Overhaul Manual, SA4045–83, Revision 20, dated August 15, 2003, as revised by Temporary Revisions 65–193, –194, –195, and –196, contains the overhaul procedures for the IFWU assembly.

(j) Part Marking

For each REL IFWU assembly, as determined by paragraph (h)(1) or (2) of this AD: Before further flight after the assembly was determined to be an REL IFWU assembly, permanently mark IFWU camshafts, P/N 61350–24052, 61350–24072, S6135–20611, S6135–20614 and S6137–23075, and IFWU gear housings, P/N 61350–24051, 61350–24068, S6135–20695, and S6137–23057, with the letters ''REL''. Mark the camshafts by applying etching ink on the surface of the part that is 0.5-inch square with the depth of the letters not to exceed 0.001 inch. Before further flight and after etching, neutralize the etched surface and oil to prevent corrosion.

(k) 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.

(l) Related Information

(1) For more information about this AD, contact Isabel Saltzman, Aviation Safety Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; telephone 781–238–7649; email *Isabel.L.Saltzman@faa.gov.*

(2) For service information identified in this AD, contact your local Sikorsky Field Representative or Sikorsky's Service Engineering Group at Sikorsky Aircraft Corporation, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S; email *wcs_cust_service_eng.gr-sik@lmco.com.* Operators may also log on to the Sikorsky 360 website at *https://www.sikorsky360.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. For information on the availability of this material at the FAA, call 817–222–5110.

Issued on March 8, 2021.

Ross Landes,

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

[FR Doc. 2021–05150 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0373; Directorate Identifier 2006–SW–14–AD]

RIN 2120–AA64

Airworthiness Directives; Erickson Air-Crane Incorporated Model S–64E and S–64F Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to adopt a new airworthiness directive (AD) that would have applied to Erickson Air-Crane Incorporated (now Erickson Incorporated) (Erickson) Model S–64E and S–64F helicopters. The NPRM was prompted by several reports of cracking in the strap and pocket areas of the tail rotor blade. The NPRM would have required inspecting certain tail rotor blade assemblies (blade assembly) for a crack and replacing any cracked blade assembly. Since issuance of the NPRM, the FAA has determined that the unsafe condition no longer exists. Accordingly, the NPRM is withdrawn.

DATES: The FAA is withdrawing the proposed rule published December 31, 2007 (72 FR 74210), as of March 15, 2021.

ADDRESSES:

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–2007–0373; 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 action, 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: Jonas Perez, Aerospace Engineer, ACO Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; phone: (817) 222–5145; email: *jonas.perez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA has issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would apply to Erickson Model S–64E and S–64F helicopters with a blade assembly part number 65161–00001–042 or –043 installed. The NPRM was published in the **Federal Register** on December 31, 2007 (72 FR 74210). The NPRM was prompted by several reports of cracking in the strap and pocket areas of the tail rotor blade.

The NPRM proposed to require determining whether the blade assembly has an affected serial number or part marking. If a blade assembly had a certain serial number or part marking, the NPRM then proposed to require an initial and repetitive inspection of the blade assembly for a crack in the strap and pocket areas. If a crack was found, the NPRM also proposed to require, before further flight, replacing the blade assembly with an airworthy blade assembly that does not have an affected serial number or part marking. The proposed actions were intended to

prevent failure of the tail rotor blade and subsequent loss of control of the helicopter.

Actions Since the NPRM Was Issued

Since issuance of the NPRM, the design approval holder has reviewed its records and determined that the affected blade assemblies have been removed from service. Therefore, the FAA has determined that AD action is not required and the NPRM is withdrawn.

Withdrawal of the NPRM constitutes only such action and does not preclude the FAA from further rulemaking on this issue, nor does it commit the FAA to any course of action in the future.

Comments

The FAA gave the public the opportunity to comment on the NPRM. The FAA received comments from one commenter.

Erickson requested deletions, corrections, and additions to the NPRM. The FAA acknowledges the commenter's requests. However, because the FAA is withdrawing the NPRM, the commenter's request is no longer necessary.

FAA's Conclusions

Upon further consideration of the available information, the FAA has determined that the NPRM is unnecessary. Accordingly, the NPRM is withdrawn.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule. This action therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

■ Accordingly, the notice of proposed rulemaking, Docket No. FAA–2007–0373, Directorate Identifier 2006–SW–14–AD, which was published in the **Federal Register** on December 31, 2007 (72 FR 74210), is withdrawn.

Issued on March 8, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–05219 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0145; Project Identifier MCAI–2020–01212–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

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 Model EC130B4 and EC130T2 helicopters. This proposed AD was prompted by a report of cracks and geometrical non-conformities of the tail rotor blades (TRBs); all cracks initiated in the drain hole area at the blade root section. This proposed AD would require cleaning affected parts, visual and dye penetrant inspections for cracks of affected parts, a dimensional inspection to verify conformity of affected parts, and corrective actions if necessary, 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 29, 2021.

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

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

For material that is proposed for incorporation 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 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–2021–0145.

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–2021–0145; 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: Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 950 L'Enfant Plaza SW, Washington, DC 20024; phone: 202–267–9167; email: *hal.jensen@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–2021–0145; Project Identifier MCAI–2020–01212–R'' 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 Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 950 L'Enfant Plaza SW, Washington, DC 20024; phone: 202–267–9167; email: *hal.jensen@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, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0187, dated August 21, 2020 (EASA AD 2020–0187) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Model EC130B4 and EC130T2 helicopters.

This proposed AD was prompted by a report of cracks and geometrical non-conformities of the TRBs on an EC130B4 helicopter; all cracks initiated in the drain hole area at the blade root section. The same TRBs can be installed on EC130T2 helicopters. The FAA is proposing this AD to address geometrical non-conformities of the TRBs, which could lead to crack initiation and consequent blade failure, and possible loss of control of the helicopter. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0187 describes procedures for cleaning affected parts, visual and dye penetrant inspections for cracks of affected parts (the cleaning and visual and dye penetrant inspections are one-time or repetitive, depending on the accumulated hours time in service on the TRB), a one-time dimensional inspection to verify conformity of affected parts, and corrective actions if necessary. Corrective actions include replacement of the affected part with a serviceable part, and additional repetitive cleaning and inspections until replacement of the affected part 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 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 2020–0187, 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 2020–0187 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0187 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 2020–0187 that is required for compliance with EASA AD 2020–0187 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0145 after the FAA final rule is published.

Interim Action

The FAA considers this proposed AD interim action. If final action is later identified, the FAA might consider further rulemaking then.

Costs of Compliance

The FAA estimates that this proposed AD affects 264 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
7 work-hours × $85 per hour = $595	$0	$595	$157,080

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
4 work-hours × $85 per hour = $340	$4,641	$4,981

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: Docket No. FAA–2021–0145; Project Identifier MCAI–2020–01212–R.

(a) Comments Due Date

The FAA must receive comments by April 29, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model EC130B4 and EC130T2 helicopters, certificated in any category, with a tail rotor blade (TRB), obtained by forging, part number 350A33–3002–02, 350A33–3002–03, 350A33–3002–04, or 350A33–3002–05 installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 6410, Tail rotor blades.

(e) Reason

This AD was prompted by a report of cracks and geometrical non-conformities of the TRBs; all cracks initiated in the drain hole area at the blade root section. The FAA is issuing this AD to address geometrical non-conformities of the TRBs, which could lead to crack initiation and consequent blade failure, and possible 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 2020–0187, dated August 21, 2020 (EASA AD 2020–0187).

(h) Exceptions to EASA AD 2020–0187

(1) Where EASA AD 2020–0187 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0187 does not apply to this AD.

(3) Although the service information referenced in EASA AD 2020–0187 specifies to discard certain parts, this AD does not include that requirement.

(4) Although the service information referenced in EASA AD 2020–0187 specifies to return certain parts, this AD does not include that requirement.

(5) Where EASA AD 2020–0187 refers to flight hours (FH), this AD requires using hours time-in-service.

(6) Where the service information referenced in EASA AD 2020–0187 specifies to ''contact customer support,'' this AD does not include that requirement.

(7) Where the service information referenced in EASA AD 2020–0187 specifies to measure using the Smartphone application, the PowerPoint method, or ''Contacting customer support with a specific procedure,'' those methods of measurement are not required by this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020–0187 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the helicopter can be modified (if the operator elects to do so), provided that the helicopter is operated under visual flight rules.

(k) 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. 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 International Validation Branch, send it to the attention of the person identified in paragraph (l)(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 local flight standards district office/certificate holding district office.

(l) Related Information

(1) For EASA AD 2020–0187, 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, 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–2021–0145.

(2) For more information about this AD, contact Hal Jensen, Aerospace Engineer, Operational Safety Branch, FAA, 950 L'Enfant Plaza SW, Washington, DC 20024; phone: 202–267–9167; email: *hal.jensen@faa.gov.*

Issued on March 9, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05252 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0720; Project Identifier 2010–SW–050–AD]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to adopt a new airworthiness directive (AD) that would have applied to certain Sikorsky Model S–92A helicopters. The NPRM was prompted by a fatigue analysis conducted after a helicopter was found with a severed main gearbox (MGB) mounting foot pad (foot pad) that failed due to fatigue. The NPRM would have required revising the airworthiness limitations section of the existing Instructions for Continued Airworthiness (ICA) for your helicopter to reduce the life limit of the MGB housing and replacing any MGB housing that exceeds the life limit. Since issuance of the NPRM, the FAA has determined that the affected MGB housings are no longer in service. Accordingly, the NPRM is withdrawn.

DATES: The FAA is withdrawing the proposed rule published July 21, 2010 (75 FR 42340), as of March 15, 2021.

ADDRESSES:

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–2010–0720; 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 action, 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: Michael Schwetz, Aerospace Engineer, Aviation Safety Section, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7761; email: *michael.schwetz@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA has issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on July 21, 2010 (75 FR 42340). The NPRM was prompted by a fatigue analysis conducted after a helicopter was found with a severed foot pad that failed due to fatigue.

The NPRM proposed to require revising the existing airworthiness limitations section of the ICA for your helicopter to reduce the life limit of the MGB housing and replacing any MGB housing that exceeds the life limit. The proposed actions were intended to address failure of the foot pad, loss of the MGB, and subsequent loss of control of the helicopter.

Actions Since the NPRM Was Issued

Since issuance of the NPRM, the FAA has determined that the affected MGB housings are no longer in service and the identified unsafe condition no longer exists. Therefore, the FAA has determined that AD action is not appropriate.

Withdrawal of the NPRM constitutes only such action and does not preclude the FAA from further rulemaking on this issue, nor does it commit the FAA to any course of action in the future.

Comments

The FAA gave the public the opportunity to comment on the NPRM. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Clarify Certain Language in the NPRM

Sikorsky Aircraft requested that the FAA clarify certain language in the NPRM.

The FAA acknowledges that, in the event of publication of a final rule, Sikorsky Aircraft's request would have been valuable in clarifying the language. However, this NPRM will not be published as a final rule. The FAA has determined that the affected MGB housings are no longer in service, and that the NPRM is no longer necessary.

FAA's Conclusions

Upon further consideration, the FAA has determined that the NPRM is unnecessary. Accordingly, the NPRM is withdrawn.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule. This action therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket No. FAA–2010–0720, which was published in the **Federal Register** on July 21, 2010 (75 FR 42340), is withdrawn.

Issued on January 25, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05194 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0086; Airspace Docket No. 21–AGL–4]

RIN 2120–AA66

Proposed Revocation of V–271 and Amendment of V–285 in the Vicinity of Manistee, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to revoke the Very High Frequency Omnidirectional Range (VOR) Federal airway V–271 and amend the VOR Federal airway V–285 in the vicinity of Manistee, MI. The airway amendments

are necessary due to the planned decommissioning of the VOR portion of the Manistee, MI, VOR/Distance Measuring Equipment (VOR/DME) that these airways utilize for navigation guidance. The Manistee VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before April 29, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0086; Airspace Docket No. 21–AGL–4 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Jesse Acevedo, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System (NAS).

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2021–0086; Airspace Docket No. 21–AGL–4) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2021–0086; Airspace Docket No. 21–AGL–4.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020 and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

The FAA is planning to decommission the Manistee, MI, VOR. This VOR was one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the Final policy statement notice, ''Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network),'' published in the **Federal Register** of July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082. The Manistee VOR is scheduled to be decommissioned on December 2, 2021.

Although the VOR portion of the Manistee VOR/DME is planned for decommissioning, the co-located DME portion of the navigational aid is being retained.

The VOR Federal airway dependencies to the Manistee VOR are V–271 and V–285. With the planned decommissioning of the Manistee VOR, there are no remaining navigational aids in the area that would support continuity of these airways. As such, the proposal would result in V–271 being revoked and V–285 being shortened with a new end point. To overcome the loss of V–271 and portions of V–285, instrument flight rules (IFR) traffic could use adjacent Air Traffic Systems (ATS) routes, including VOR Federal airways V–26, V–193, V–420 or request air traffic control (ATC) radar vectors to fly through or navigate around the affected area. Additionally, IFR pilots equipped with RNAV PBN could use an existing RNAV route, T–265, or navigate point to point using the existing fixes that will remain in place to support continued operations through the affected area. Visual flight rules (VFR)

pilots who elect to navigate via the airways through the affected area could also take advantage of the adjacent VOR Federal airways or ATC services listed previously.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to revoke VOR Federal airway V–271 and amend VOR Federal airways V–285 due to the planned decommissioning of the Manistee, MI, VOR, in the vicinity of Manistee, MI. The proposed VOR Federal airway amendments are described below.

V–271: V–271 currently extends between the Manistee, MI, VOR/DME and the Escanaba, MI, VOR/DME. The FAA proposes to revoke the airway.

V–285: V–285 currently extends between the Brickyard, IN, VOR/Tactical Air Navigation (VORTAC) and the Traverse City, MI, VOR/DME. The FAA proposes to delete a portion of the airway between the White Cloud, MI, VOR/DME and the Traverse City, MI, VOR/DME. The airway would then terminate at the White Cloud, MI, VOR/DME. The unaffected portions of the existing airway would remain as charted.

All radials in the VOR Federal airway descriptions below are unchanged and stated in True degrees.

VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The airways listed in this document would be subsequently updated in the next edition of this Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6010(a), Domestic VOR Federal Airways.

* * * * *

V–271 [Removed]

* * * * *

V–285 [Amended]

From Brickyard, IN; Kokomo, IN; Goshen, IN; INT Goshen 038° and Kalamazoo, MI, 191° radials; Kalamazoo; INT Kalamazoo 014° and Victory, MI, 167° radials; Victory; to White Cloud, MI.

* * * * *

Issued in Washington, DC, on March 9, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–05153 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0081; Airspace Docket No. 20–AAL–61]

RIN 2120–AA66

Proposed Establishment of Class E Airspace; Craig, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface of the earth at El Capitan Lodge, Craig, AK. This action would accommodate a new area navigation (RNAV) procedure and ensure the safety and management of instrument flight rule (IFR) operations within the National Airspace System.

DATES: Comments must be received on or before April 29, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2021–0081; Airspace Docket No. 20–AAL–61, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: *fedreg.legal@nara.gov,* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–2245.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace extending upward from 700 feet above the surface of the earth to support IFR operations at El Capitan Lodge, Craig, AK.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0081; Airspace Docket No. 20–AAL–61''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by establishing Class E airspace extending upward from 700 feet above the surface of the earth at El Capitan Lodge, Craig, AK.

This action is associated with a sea plane base, and therefore, the Class E airspace would be established extending upward from 700 feet above ground level (AGL) within a 2-mile radius of the airport's sea lane versus the Lodge. In addition, airspace extending upward from 700 feet AGL would be established 1.9 miles each side of the 353° bearing from a point-in-space, coordinates lat. 55°58′6″ N, long. 133°15′59″ W., extending from the 2-mile radius 8.5 miles north. This area would provide controlled airspace for aircraft as they descend below 1,500 feet AGL. The airspace extending upward from 700 feet would also include the area 2 miles each side of the 232° bearing from the point-in-space extending from the 2-mile radius 4 miles southwest. This area would provide controlled airspace for the missed approach procedure.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR Part 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AAL AK E5 Craig, AK [NEW]

El Capitan Lodge, AK
(Lat. 55°57′31″ N, long. 133°15′12″ W)
El Capitan Lodge, Point In Space Coordinates
(Lat. 55°58′6″ N, long. 133°15′59″ W)

That airspace extending upward from 700 feet above the surface within a 2-mile radius from a point in space lat. 55°58′6″ N, long. 133°15′59″ W, and that airspace 1.9 miles each side of the 353° bearing from the point in space extending from the 2-mile radius 8.5 miles north from the point in space and that airspace 2 miles each side of the 232° bearing from the point in space extending from the 2-mile radius 4 miles southwest from the point in space.

Issued in Seattle, Washington, on March 9, 2021.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2021–05230 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 103

RIN 3142–AA15

Jurisdiction—Nonemployee Status of University and College Students Working in Connection With Their Studies

AGENCY: National Labor Relations Board.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: This document withdraws a proposed rule that was published in the **Federal Register** on September 23, 2019, as corrected on October 16, 2019. The proposed rule would have established that students who perform any services for compensation, including, but not limited to, teaching or research, at a private college or university in connection with their studies are not ''employees'' within the meaning of the National Labor Relations Act.

DATES: As of March 15, 2021, the proposed rule published on September 23, 2019, at 84 FR 49691, and corrected on October 16, 2019, at 84 FR 55265, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Roxanne L. Rothschild, Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570–0001, (202) 273–1940 (this is not a toll-free number), 1–866–315–6572 (TTY/TDD).

SUPPLEMENTARY INFORMATION: The National Labor Relations Board is withdrawing the notice of proposed rulemaking that was published in the **Federal Register** on September 23, 2019 (84 FR 49691), and corrected on October 16, 2019 (84 FR 55265). The document proposed a rule establishing that students who perform any services for compensation, including, but not limited to, teaching or research, at a private college or university in connection with their studies are not ''employees'' within the meaning of Section 2(3) of the National Labor Relations Act. The Board has decided to withdraw this rulemaking proceeding based on its judgment respecting the most effective allocation of the Board's limited resources at this time. In light of competing agency priorities, the Board has determined to focus its time and resources on the adjudication of cases currently in progress.

Dated: Washington, DC, March 9, 2021.

By direction of the Board.

Roxanne L. Rothschild,

Executive Secretary.

[FR Doc. 2021–05184 Filed 3–12–21; 8:45 am]

BILLING CODE 7545–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2021–0056; FRL–10021–25–Region 8]

Approval and Promulgation of Implementation Plans; Utah; Source Category Exemptions Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the State of Utah's Source Category Exemptions Revisions as submitted on November 5, 2019. The EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: Written comments must be received on or before April 14, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2021–0056, to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in *www.regulations.gov.* To reduce the risk of COVID–19 transmission, for this action we do not plan to offer hard copy review of the docket. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Kevin Leone, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6227, *leone.kevin@epa.gov.*

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

I. Background

The State of Utah's regulation R307–401–10 was originally submitted on September 20, 1999 and was titled ''Low Oxides of Nitrogen Burner Technology.'' The Utah permitting regulations were reorganized and renumbered in Utah's September 15, 2006 submittal, The ''Low Oxides of Nitrogen Burner Technology'' was deleted and moved to R307–328 ''Ozone Nonattainment and Maintenance Areas in Utah and Weber Counties Gasoline Transfer and Storage''; R307–401–10 was then replaced with the title: ''Source Category Exemptions.'' These revisions were acted on in EPA's rulemaking ''Approval and Promulgation of Air

Quality Implementation Plans; Utah; Revisions to Utah Administrative Code—Permit: New and Modified Sources'' which was published on February 2, 2014 (79 FR 7072). The 2006 submittal did not include R307–401–10(6), which was submitted on November 5, 2019 and we are proposing to act on today. Source categories within R307–401–10 are exempt from going through the approval order process, as outlined in R307–401. The revision we are proposing to act on today adds gasoline dispensing facilities as an exempt source category by adding the following language to the State of Utah's SIP:

> A gasoline dispensing facility as defined in 40 CFR 63.11132 that is not a major source as defined in R307–101–2. These sources shall comply with the applicable requirements of R307–328 [Gasoline Transfer and Storage] and 40 CFR 63 Subpart CCCCCC: National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

Sources receiving an exemption under R307–401–10 are still subject to the requirements located in: (1) R307–401(2)(a), which prevents exempt sources from circumventing major New Source Review (NSR) requirements; (2) R307–401–4, which contains the general permitting requirements; (3) R307–201 through 207, which contains the State permitting area source regulations; and (4) R307 section 300, which contains the State permitting nonattainment and maintenance area regulations. In addition, gasoline dispensing sources under R307–401–10(6) would also have to comply with the requirements of 40 CFR part 63, subpart CCCCCC: National Emissions Standards for Hazardous Air Pollutants for gasoline dispensing facilities and R307–328, which establishes Reasonably Available Control Technology (RACT) for control of gasoline vapors during the filling of gasoline cargo tank and storage tanks in Utah. The rule is based on federal control technique guidance documents. This requirement is commonly referred to as stage I vapor recovery. The exemption thresholds are the thresholds defining a major source and major modification as detailed in R307–101–2 (General Requirements. Definitions.). These thresholds and the additional regulatory safeguards ensure protection of all National Ambient Air Quality Standards (NAAQS) and thus meet the requirements of CAA section 110(a)(2)(C), 40 CFR 51.160, and CAA section 110(l).

R307–401–10(6), as described in Utah's November 5, 2019 submittal, became State effective on June 6, 2019.

II. The EPA's Evaluation

EPA's regulations at 40 CFR 51.160 do not require the issuance of a permit for the construction or modification of minor sources, but only that the SIP include a procedure to prevent the construction of a source or modification that would violate the SIP control strategy or interfere with attainment or maintenance of the NAAQS.

EPA recognizes that, under the applicable federal regulations, states have broad discretion to determine the scope of their minor NSR programs as needed to attain and maintain the NAAQS. A state may tailor its minor NSR requirements as long as they are consistent with the requirements of CAA 110(a)(2)(C) and 40 CFR 51.160–164. States may also provide a rationale for why the rules are at least as stringent as the 40 CFR part 51 requirements where the revisions are different from those in 40 CFR part 51.

The State of Utah's permitting regulations located in R307 provide appropriate safeguards to ensure attainment and maintenance of the NAAQS; as noted above. In particular the general provisions in Utah's permitting rule, R307–401–4 which applies to all new and modified sources, even those under the threshold for being required to obtain an approval order. These general provisions require all control apparatuses to be properly maintained. In addition, the director has authority under R307–401–4(2) to require an approval order for a small source if it is creating an adverse impact on the environment, human health or welfare.

III. Proposed Action

Based on the above discussion, EPA finds that the addition of R307–401–10(6) would not interfere with attainment or maintenance of any of the NAAQS in the State of Utah and would not interfere with any other applicable requirement of the CAA and thus is approvable under CAA 110(a)(2)(C), 40 CFR 51.160–164 and CAA section 110(l). Therefore, we are proposing to approve the revisions to ''Source Category Exemptions Revisions'' as submitted by the State of Utah on November 5, 2019.

IV. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the amendments described in section III. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: March 8, 2021.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

[FR Doc. 2021–05227 Filed 3–12–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2010–0042; FRL–10021–29–Region 1]

Air Plan Approval; Connecticut; Definitions of Emergency and Emergency Engine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Connecticut on December 20, 2019. This revision amends the State's definitions of ''emergency'' and ''emergency engine'' in its air quality regulations. The intended effect of this action is to propose approval of the December 20, 2019, submittal into the Connecticut SIP. This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before April 14, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2021–0042 at *https://www.regulations.gov,* or via email to *creilson.john@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, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact 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.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact 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 legal holidays and facility closures due to COVID–19.

FOR FURTHER INFORMATION CONTACT: John Creilson, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 05–2), Boston, MA 02109, tel. (617) 918–1688, email *creilson.john@epa.gov.*

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

Table of Contents

I. Background and Purpose
II. Connecticut's SIP Revision
III. Proposed Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background and Purpose

On December 20, 2019, the Connecticut Department of Energy and Environmental Protection (DEEP) submitted a revision to its State Implementation Plan (SIP) to add a recent amendment to Connecticut's air quality regulations concerning the definitions of ''emergency'' and ''emergency engine,'' which became effective as state law on October 8, 2019.

Effective June 1, 2018, the Independent System Operator for New England (ISO–NE) revised its Operating Procedure No. 4 to reflect changes in how demand response generating units are compensated in the energy markets. Since 2005, DEEP has referred to ISO–NE's Operating Procedure No. 4 to describe certain circumstances under which an electric generating unit is classified as an emergency unit within its air quality regulations. Due to the ISO–NE's revisions, references to Operating Procedure No. 4 in Connecticut's air quality regulations no longer produce the desired result in classifying electric generating units as emergency units for air quality purposes. Classification as an emergency unit means that the unit can only operate during capacity deficiencies (true reliability emergencies) and exempts the unit from meeting certain air quality requirements. Retaining the existing reference could create confusion in the regulated community and allow an increase in emissions if an emission unit owner not entitled to an emergency classification claimed emergency status to avoid expensive pollution controls.

II. Connecticut's SIP Revision

On December 20, 2019, the Connecticut Department of Energy and Environmental Protection (DEEP) submitted a SIP revision to EPA. The SIP revision replaces two definitions within the previously approved Regulations of Connecticut State Agencies (RCSA) Section 22a–174–22e, Control of NO_X Emissions from Fuel-burning Equipment at Major Stationary Sources of NO_X. The revision proposes to add to the State's SIP a recent amendment to 22a–174–22e concerning the definitions of ''emergency'' and ''emergency engine,'' which became effective as a state requirement on October 8, 2019. On the whole, this action will make Connecticut's definition of these terms consistent with the revisions to ISO–NE Operating Procedure No. 4 to reflect changes in how demand response generating units are compensated in the energy markets and will have a beneficial effect on air quality by reducing NO_X emissions.

Specifically, this action adjusts the definitions of ''emergency'' and ''emergency engine'' in RCSA section 22a–174–22e(a) to remove references to Operating Procedure No. 4 (OP–4). Additionally, two compliance options

that rely on Operating Procedure No. 4 were removed from RCSA section 22a–174–22e(g). The compliance options removed had allowed, pursuant to a now outdated version of ISO New England's OP–4, turbines or engines that do not meet the NO_X emissions limits of section 22a–174–22e to be called upon to operate during times of an electrical capacity deficiency. However, ISO New England has removed this provision from its OP–4, making these provisions within Connecticut's regulation obsolete. Removal of these provisions from the Connecticut SIP is consistent with the anti-backsliding provision of section 110(l) of the CAA because their removal strengthens the SIP by increasing the emission reduction potential of the rule by removing provisions that allowed certain high emitting equipment to operate during periods of an electrical capacity deficiency.

III. Proposed Action

EPA is proposing to approve the revision to the definitions of ''emergency'' and ''emergency engine,'' and to also approve related provisions in Connecticut's air pollution control regulations affected by this change, as discussed in section II. Connecticut submitted this SIP revision to EPA on December 20, 2019. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

IV. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference Connecticut's revision to the definitions of ''emergency'' and ''emergency engine,'' and to also approve related provisions in Connecticut's air pollution control regulations affected by this change as discussed in section II. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed 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 Orders12866 (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 Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

Dated: March 8, 2021.

Deborah Szaro,

Acting Regional Administrator, EPA Region 1.

[FR Doc. 2021–05164 Filed 3–12–21; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 86, No. 48

Monday, March 15, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0011]

Addition of the Democratic Republic of Timor-Leste to the List of Regions Affected With African Swine Fever

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we have added the Democratic Republic of Timor-Leste to the list of regions that the Animal and Plant Health Inspection Service considers to be affected with African swine fever (ASF). We have taken this action because of confirmation of ASF in the Democratic Republic of Timor-Leste.

DATES: The Democratic Republic of Timor-Leste was added to the APHIS list of regions considered affected with ASF on September 30, 2019.

FOR FURTHER INFORMATION CONTACT: Dr. John Grabau, Regionalization Evaluation Services, Veterinary Services, APHIS, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; (919) 855–7738; email: *AskRegionalization@usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of specified animals and animal products to prevent the introduction into the United States of various animal diseases, including African swine fever (ASF). ASF is a highly contagious disease of wild and domestic swine that can spread rapidly in swine populations with extremely high rates of morbidity and mortality. A list of regions where ASF exists or is reasonably believed to exist is maintained on the Animal and Plant Health Inspection Service (APHIS) website at *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/animal-health-status-of-regions/.* This list is referenced in § 94.8(a)(2) of the regulations.

Section 94.8(a)(3) of the regulations states that APHIS will add a region to the list referenced in § 94.8(a)(2) upon determining ASF exists in the region, based on reports APHIS receives of outbreaks of the disease from veterinary officials of the exporting country, from the World Organization for Animal Health (OIE), or from other sources the Administrator determines to be reliable, or upon determining that there is reason to believe the disease exists in the region. Section 94.8(a)(1) of the regulations specifies the criteria on which the Administrator bases the reason to believe ASF exists in a region. Section 94.8(b) prohibits the importation of pork and pork products from regions listed in accordance with § 94.8, except if processed and treated in accordance with the provisions specified in that section or consigned to an APHIS-approved establishment for further processing. Section 96.2 restricts the importation of swine casings that originated in or were processed in a region where ASF exists, as listed under § 94.8(a).

On September 27, 2019, the veterinary authorities of the Democratic Republic of Timor-Leste reported to the OIE the occurrence of ASF in that country. Therefore, in response to this outbreak, on September 30, 2019, APHIS added the Democratic Republic of Timor-Leste to the list of regions where ASF exists or is reasonably believed to exist. This notice serves as an official record and public notification of that action.

As a result, pork and pork products from the Democratic Republic of Timor-Leste, including casings, are subject to APHIS import restrictions designed to mitigate the risk of ASF introduction into the United States.

Congressional Review Act

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

Authority: 7 U.S.C. 1633, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 9th day of March 2021.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–05275 Filed 3–12–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0063]

Notice of Proposed Revision To Import Requirements for the Importation of Fresh Sand Pears From the Republic of Korea Into the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we have prepared a pest risk analysis relative to the importation into the United States of sand pear (*Pyrus pyrifolia* var. *culta*) fruit from the Republic of Korea. Currently, sand pear fruit may be imported into the United States from the Republic of Korea under an Animal and Plant Health Inspection Service preclearance program or as non-precleared fruit into the port of Honolulu, HI. Based on the findings of our analysis, we are proposing to authorize imports of non-precleared sand pear fruit from the Republic of Korea into all U.S. ports as an alternative to the preclearance program. All sand pear fruit intended for importation into the United States from the Republic of Korea would be subject to a systems approach currently required for precleared fruit. We are making the pest risk analysis available to the public for review and comment.

DATES: We will consider all comments that we receive on or before May 14, 2021.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2020–0063 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0063, Regulatory Analysis

and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *regulations.gov* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Ms. Claudia Ferguson, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, Imports, Regulations, and Manuals, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1231; (301) 851–2352.

SUPPLEMENTARY INFORMATION: Under the regulations in ''Subpart L–Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–12, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.56–4 of the regulations provides the requirements for authorizing the new importation of fruits and vegetables into the United States, as well as revising existing requirements for the importation of fruits and vegetables. Paragraph (c) of that section provides that the name and origin of all fruits and vegetables authorized importation into the United States, as well as the requirements for their importation, are listed in the APHIS Fruits and Vegetables Import Requirements database (FAVIR) (*https://epermits.aphis.usda.gov/manual/*). It also provides that, if the Administrator determines that any of the phytosanitary measures required for the importation of a particular fruit or vegetable are no longer necessary to reasonably mitigate the plant pest risk posed by the fruit or vegetable, APHIS will publish a notice in the **Federal Register** making its pest risk analysis and determination available for public comment.

Pyrus pyrifolia var. *culta* (sand pear) fruit from the Republic of Korea is currently listed in FAVIR as a fruit authorized for importation into the continental United States under an APHIS-managed preclearance program; non-precleared fruit is authorized for importation only into the port of Honolulu, HI. In addition, all sand pear fruit produced in the Republic of Korea for export to the United States must be grown, processed, and shipped under a systems approach detailed in an operational workplan.

The Republic of Korea requested that APHIS conduct a risk evaluation to allow exports of non-precleared sand pear fruit into all U.S. ports, in addition to the exports already allowed under the APHIS preclearance program. In response, we reviewed the current pest list for sand pear fruit from the Republic of Korea and added a new quarantine pest of concern, *Resseliella yagoi,* to the existing list.

Using the updated pest list, we drafted a commodity import evaluation document (CIED) to identify phytosanitary measures that could be applied to the importation of sand pear fruit from the Republic of Korea to mitigate the risk posed by quarantine pests of concern. We included in the CIED our finding that the current systems approach to mitigate pest risk in precleared sand pear fruit would also be sufficient to allow the importation of non-precleared fruit from the Republic of Korea into all U.S. ports. Under the change we propose, the oversight of production practices, fruit inspections, and phytosanitary certification of non-precleared sand pear fruit would be conducted by the Republic of Korea national plant protection organization (NPPO) rather than by APHIS preclearance personnel.

The following systems approach measures would be required for all sand pear fruit imported into the United States from the Republic of Korea:

- Sand pears must be imported as commercial consignments only.
- Sand pears must be grown in places of production and packed in packinghouses registered with the Republic of Korea NPPO.
- Places of production must be inspected for symptoms of quarantine pests and diseases. If such pests and diseases are found, adequate mitigations measures should be implemented.
- Sand pears must be bagged when the fruit is between 2.5 and 3.5 centimeters in diameter. All fruit must be bagged by June 30. Bagging is required to prevent all arthropod pests from infesting the fruits.
- Each sand pear consignment must be labeled to allow trace back.
- Each sand pear consignment must be accompanied by a phytosanitary certificate issued by the Republic of Korea NPPO stating that the consignment has been inspected and found free of quarantine pests.

For preclearance program exports of sand pear:

- Each precleared consignment must be accompanied by a Plant Protection and Quarantine Form 203, which indicates the commodity has been inspected by APHIS at origin.

For non-preclearance exports of sand pear:

- Each non-precleared consignment is subject to inspection at the U.S. ports-of-entry.

Therefore, in accordance with § 319.56–4(c)(3), we are announcing the availability of our pest list and CIED for public review and comment. Those documents, as well as a description of the economic considerations associated with the importation of fresh sand pear fruit from the Republic of Korea, may be viewed on the *Regulations.gov* website or in our reading room (see **ADDRESSES** above for a link to *Regulations.gov* and information on the location and hours of the reading room). You may request paper copies of these documents by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the analysis you wish to review when requesting copies.

After reviewing any comments we receive, we will announce our decision regarding whether to revise the requirements for the importation of sand pear fruit from the Republic of Korea in a subsequent notice. If the overall conclusions of our analysis and the Administrator's determination of risk remain unchanged following our consideration of the comments, we will revise the requirements for the importation of sand pear fruit from the Republic of Korea in accordance with this notice.

Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 9th day of March 2021.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–05273 Filed 3–12–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket #: RUS–21–ELECTRIC–0004]

NextEra Energy Resources: Notice of Intent To Prepare an Environmental Impact Statement and Hold Public Scoping Meeting

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement and hold public scoping meeting.

SUMMARY: The Rural Utilities Service (RUS) announces its intent to prepare an Environmental Impact Statement (EIS) and hold a virtual public scoping meeting in connection with possible impacts related to the Skeleton Creek Solar and Battery Storage Project (Project) proposed by NextEra Energy Resources (NextEra or Applicant). The Project will consist of a 250-megawatt (MW) solar array, plus 200–MW/800-megawatt-hour (MWh) storage facility using photovoltaic (PV) modules on private lands in Garfield County, Oklahoma. NextEra is seeking federal loan financing from RUS to support construction of the Project. RUS has determined that a loan for the Project would be a federal action and is, therefore, subject to National Environmental Policy Act (NEPA) review, with RUS as the lead federal agency, for preparation of the EIS.

DATES: Written requests to participate as a Cooperating Agency in the preparation of the EIS, participate as a Consulting Party in the Section 106 consultation process, or to provide comments for consideration during the scoping process for the proposed Project must be received on or before April 19, 2021. One virtual public scoping meeting will be held on March 30, 2021 from 5:00 p.m. EST–9:00 p.m. EST. The public scoping meeting will be conducted in a virtual format with RUS and NextEra representatives. Attendees will be able to submit comments during the virtual public meeting orally or via the chat function. The public scoping meeting will be recorded and kept as part of the Project record. More information about the virtual public scoping meeting can be found at: *https://www.rd.usda.gov/resources/environmental-studies.*

ADDRESSES: To send comments or request further information, send a request to *SkeletonCreekSolarPublicComments@usda.gov. Due to the COVID 19 epidemic, hard copies of mail will not be accepted.*

All project related information will be posted as it becomes available on the RUS' website located at: *https://www.rd.usda.gov/environmentalstudy/skeleton-creek-EIS.*

As of this publication, an Alternatives Evaluation Study/Site Selection Study has been prepared for the Skeleton Creek Solar and Battery Storage Project and is currently available at RUS's website at: *https://www.rd.usda.gov/environmentalstudy/skeleton-creek-EIS.*

SUPPLEMENTARY INFORMATION: With this notice, federal and state agencies and federally-recognized Tribes with jurisdiction or special expertise are invited to be cooperating agencies. Such agencies or Tribes may make a request to RUS to be a cooperating agency by contacting the RUS at the email address provided in this notice below. On January 7, 2021 USDA's Chief Environmental Review and Policy Officer (CERPO) invited federal agencies to cooperate in the preparation of the EIS. The US Army Corps of Engineers (USACE) has indicated that they intend to participate as a cooperating agency. Designated cooperating agencies have certain responsibilities to support the NEPA and scoping process, as specified at 40 CFR 1501.6(b). In addition, with this notice RUS invites any affected federal, state, and local agencies; Tribes; and other interested persons to comment on the scope, alternatives, and significant issues to be analyzed in depth in the EIS.

The proposed Project is considered an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 United States Code 470(f), and its implementing regulation, ''Protection of Historic Properties'' (36 CFR 800). Any party wishing to participate directly with RUS as a ''consulting party'' in NHPA Section 106 review may submit a written request to the RUS email address provided below. Pursuant to 36 CFR 800.3(f)(3), RUS will consider, and provide a timely response to, any and all requests for consulting party status.

The Project consists of a 250–MW solar array, plus 200–MW/800–MWh storage facility that will utilize PV modules. The Project will be located entirely on privately owned farmland, rural residences, and riparian areas in a rural area in Garfield County, Oklahoma. The Application Area encompasses approximately 12,250 acres. Within the Application Area, construction will occur on an approximately 4,500- to 6,000-acre project area.

The Project consists of four major components: PV solar arrays (the main Project footprint), energy storage facilities (batteries, racking, inverters), linear facilities (as further described below), and transmission interconnection facilities (a substation/switchyard that interconnects to the existing OG&E 345–kV Woodring Substation via an estimated 2- to 4-mile gen-tie).

The Applicant entered into a power purchase agreement with Western Farmers Electric Cooperative (WFEC) for the solar and energy storage project. WFEC's objective is to provide safe, adequate, and reliable power to its members at the lowest reasonable cost. The Project will allow the Applicant to provide the additional generation capacity needed by WFEC to achieve these goals and to serve electrical needs within the service territories of their member cooperatives.

Among the alternatives that RUS will address in the EIS is the No Action alternative, under which the proposal will not be undertaken or if RUS did not fund the proposed Project, and any reasonable alternatives defined as a result of the scoping process. In the EIS, the effects of the proposal will be compared to the existing conditions in the affected area of the proposal. Public health and safety, environmental impacts, socio-economic, and engineering aspects of the proposal will also be considered in the EIS.

As part of its broad environmental review process, RUS must take into account the effect of the proposal on historic properties in accordance with Section 106 of the NHPA (Section 106) and its implementing regulation, ''Protection of Historic Properties'' (36 CFR 800). Pursuant to 36 CFR 800.2(d)(3), RUS is using its procedures for public involvement under NEPA to meet its responsibilities to solicit and consider the views of the public during NHPA Section 106 review. Accordingly, comments submitted in response to this Notice will inform RUS decision-making during NHPA Section 106 review.

RUS will use input provided by government agencies, private organizations, and the public in the preparation of a Draft EIS. The Draft EIS will be filed with the U.S. Environmental Protection Agency (EPA) and will be available for public comment 45 days from the date the EPA publishes its **Federal Register** notice. A Final EIS that considers all comments received will subsequently be prepared. The Final EIS will be available for review and comment for 30 days. Following the 30-day comment period, RUS will prepare a Record of Decision (ROD). Notices announcing the availability of the Draft EIS, the Final EIS, and the ROD will be published in the **Federal Register** and in local newspapers.

Any final action by RUS related to the proposal will be subject to, and contingent upon, compliance with all relevant executive orders and federal, state, and local environmental laws and regulations in addition to the completion of the environmental review requirements as prescribed in RUS

Environmental Policies and Procedures, 7 CFR 1970.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2021–05255 Filed 3–12–21; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Maryland Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a press conference of the Maryland Advisory Committee to the Commission will convene by web conference on Wednesday, April 21, 2021 at 4:00 p.m. (ET). The purpose of the web press conference to formally release its advisory memorandum on COVID 19 and health disparities in Maryland.

DATES: Wednesday, April 21, 2021 at 4:00 p.m. (ET).

Public Webex Conference Registration Link (video and audio): https://bit.ly/2PxPwv7.

To Join By Phone Only: Dial 1–800–360–9505; Access code: 199 730 6650.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor at *ero@usccr.gov* or by phone at 202–921–2212.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the WebEx link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the call-in number found through registering at the web link provided above for the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Barbara Delaviez at *ero@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at the *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above phone number or email address.

Agenda: Wednesday, April 21, 2021; 4:00 p.m. (ET)

1. Press Conference: Advisory Memo: COVID 19 and Health Disparities in Maryland
2. Public Comment
3. Adjourn

Dated: March 10, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–05292 Filed 3–12–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Hawai'i Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a teleconference meeting of the Hawai'i Advisory Committee (Committee) to the Commission will be held from 10:00 a.m. to 12:00 p.m. on Wednesday, April 14, 2021 (Hawaiian Time). The purpose of the meeting will be to review a draft of their report focused on COVID–19 and its impact on Pacific Islander communities.

DATES: The meeting will be held on Wednesday, April 14, 2021 from 10:00 a.m.–12:00 p.m. HST.

Public Call Information:
Dial: 800–367–2403.
Conference ID: 5959993.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO) at *afortes@usccr.gov* or by phone at (202) 681–0857.

SUPPLEMENTARY INFORMATION: For copies of meeting documents, email *afortes@usccr.gov.* This meeting is available to the public through the following toll-free call-in number: 800–367–2403, conference ID number: 5959993. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or email Ana Victoria Fortes at *afortes@usccr.gov.*

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzl0AAA.*

Please click on ''Committee Meetings'' tab. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Review Report
III. Public Comment
IV. Adjournment

Dated: March 10, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–05291 Filed 3–12–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Quarterly Survey of Plant Capacity Utilization

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for

review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on December 17, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Census Bureau.

Title: Quarterly Survey of Plant Capacity Utilization.

OMB Control Number: 0607–0175.

Form Number(s): MQ–C2.

Type of Request: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Number of Respondents: 7,500.

Average Hours per Response: 2 hours and 5 minutes.

Burden Hours: 62,500.

Needs and Uses: The U.S. Census Bureau, on behalf of the Federal Reserve Board (FRB) and the Defense Logistics Agency (DLA), within the Department of Defense (DOD), requests an extension of approval for the Quarterly Survey of Plant Capacity Utilization (QPC). The survey provides information on use of industrial capacity in manufacturing and publishing plants as defined by the North American Industry Classification System (NAICS). The Survey of Plant Capacity Utilization began in the 1970's as an annual survey that collected fourth quarter data only. The annual survey continued through 2006. In 2007, the FRB requested that the survey be converted to a quarterly survey due to the necessity for quarterly data rather than annual. The survey is the only governmental source of capacity utilization rates at industry levels. Changes in capacity utilization are considered important indicators of investment demand and inflationary pressure. For these reasons, the estimates of capacity utilization are closely monitored by government policy makers and private sector decision makers.

The survey collects the value of quarterly production, the value of production that could be achieved if operating under ''full production'' capability, and the value of production that could be achieved if operating under ''emergency production'' capability. The ratio of the actual to the full is the basis of the estimates for full capacity utilization rates and similarly, the actual to the emergency for the emergency capacity utilization rates. The survey also collects information by shift, on work patterns at the actual production level.

The FRB is the primary user of the current QPC data and expressed the need for these quarterly data. FRB publishes measures of industrial production (IP), capacity, and capacity utilization in its G.17 statistical release, which has been designated by the federal government as a Principal Federal Economic Indicator. Utilization rates from the QPC survey are a principle source for the measures of capacity and capacity utilization. The indexes of IP are either estimated from physical product data or estimated from monthly data on inputs to the production process, specifically production worker hours and an indicator of capital input. For many years, data on electric power use was used as the indicator of industry capital input. The deregulation of electricity markets led to the deterioration in the coverage and quality of the electricity data. As a result, in November 2005, the FRB discontinued its use of the industrial electric power data in the current estimates of IP. To maintain the quality of the IP index, the collection of these quarterly data, including the utilization rate data and the workweek of capital, is critical to the indicators of capital input use and industry output.

The FRB uses these data in several ways. First, the QPC data are the primary source of information for the capacity indexes and utilization rates published by the FRB. Second, the QPC utilization rate data are used as indicators of output for some industries in the estimation of monthly IP. Third, the QPC utilization rate data and the workweek data are used to improve the projections of labor productivity that are used to align IP with comprehensive benchmark information from the Economic Census covering the Manufacturing sector and the Annual Survey of Manufactures. Finally, utilization rate data will assist in the assessment of recent changes in IP, as most of the high-frequency movement in utilization rates reflect production changes rather than capacity changes.

The DLA uses the data to assess industrial base readiness and ramp-up time to meet demand for goods under selected national emergency scenarios.

In addition to the FRB and DLA uses, these data are published on the Census Bureau's website, *https://www.census.gov/programs-surveys/qpc.html.*

Affected Public: Business or other for-profit organizations.

Frequency: Quarterly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 8(b); 50 U.S.C., Section 98, *et seq.*; and 12 U.S.C., Section 244.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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 and entering either the title of the collection or the OMB Control Number 0607–0175.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–05295 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Vehicle Inventory and Use Survey

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed reinstatement, with change, of the Vehicle Inventory and Use Survey, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before May 14, 2021.

ADDRESSES: Interested persons are invited to submit written comments by

email to *Thomas.J.Smith@census.gov.* Please reference Vehicle Inventory and Use Survey in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2021–0008, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Kelly Holder, VIUS Branch Chief, (301) 763–3462, *Kelly.A.Holder@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to conduct a reinstated Vehicle Inventory and Use Survey (VIUS) in 2022. VIUS was the principal data source on the physical and operational characteristics of the nation's truck population from 1963 through 2002 and was conducted every five years in conjunction with the Quinquennial Economic Census. The survey was discontinued prior to the 2007 survey due to budget constraints. The discontinuation of the survey left a significant void in the U.S. Department of Transportation's knowledge of the U.S. truck fleet. The Bureau of Transportation Statistics is restoring the VIUS with its partners, the Federal Highway Administration and the U.S. Department of Energy. The U.S. Census Bureau will collect VIUS under the mandatory requirements of Title 13, Sections 131 and 182, of the U.S.C. as in previous economic censuses.

VIUS utilizes a sample of Vehicle Identification Numbers (VINs) for trucks registered in the 50 states and District of Columbia. The sample includes both personally-owned and commercially-owned trucks. VIUS excludes trucks owned by federal, state, and local governments; ambulances; buses; motor homes; farm tractors; unpowered trailer units; and passenger cars.

Since the last VIUS was conducted nearly 20 years ago, some of the questionnaire content required updates. In particular, questions related to vehicle technology have been modified to reflect more recent safety and fuel economy features. Modified content includes emerging technologies such as driver assistance systems, collision warning and collision intervention features, driving control, and parking assistance features. New questions were also added based on stakeholder input collected during the years since the 2002 VIUS. This new content includes topics such as towing capacity, maintenance costs, time spent idling, use of overweight permits, and mileage driven while cubed out or weighed out.

VIUS data are of considerable value to government, business, academia, and the general public. Data on the number and types of vehicles and how they are used are important in studying the future growth of transportation and are needed in calculating fees and cost allocations among highway users. The data also are important in evaluating safety risks to highway travelers and in assessing the energy efficiency and environmental impact of the nation's truck fleet.

II. Method of Collection

The Vehicle Inventory and Use Survey will use two modes of data collection: Electronic instrument and paper questionnaire. All respondents will receive an initial letter with instructions to log into the electronic instrument. Respondents will be encouraged to use the electronic instrument method, however, a paper questionnaire will be sent as part of the non-response follow-up operation.

Data are collected via two questionnaires based on truck type, one for light trucks (pickups, SUVs, minivans) and one for heavy trucks (including truck tractors). Content differs somewhat between the two forms.

III. Data

OMB Control Number: 0607–0892.

Form Number(s): TC–9501 (Light Trucks) and TC–9502 (Heavy Trucks).

Type of Review: Regular submission, Request for a Reinstatement, with Change, of a Previously Approved Collection.

Affected Public: Individuals and businesses.

Estimated Number of Respondents: 150,000.

Estimated Time per Response: 65 minutes per vehicle.

Estimated Total Annual Burden Hours: 162,500.

Estimated Total Annual Cost to Public: $0 (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 131, 182, 224, and 225.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. 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 may 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.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–05231 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[2/24/2021 through 3/8/2021]

Firm name	Firm address	Date accepted for investigation	Product(s)
TMAK, Inc. d/b/a MCTD, Inc	200 Winski Drive, Michigan City, IN 46360.	2/24/2021	The firm manufactures metalworking machinery.
Angel Competition Bikinis, LLC	1555 West 87th Street Parkway, Lenexa, KS 66219.	3/2/2021	The firm manufactures swimwear.
DB Innovations, LLC	22 Washington Avenue, Endicott, NY 13760.	3/2/2021	The firm manufactures equipment for calibrating and certifying police radar units.
Legacy Precision Molds, Inc	4668 Spartan Industrial Drive, Grandville, MI 49418.	3/5/2021	The firm manufactures plastic injection molds.
S.U.S. Cast Products, Inc	1825 West Market Street, Logansport, IN 46947.	3/5/2021	The firm manufactures miscellaneous aluminum die cast parts.
Ken Boudreau, Inc. d/b/a Coriander Designs.	20485 144th Avenue Northeast, Woodinville, WA 98072.	3/8/2021	The firm manufactures wooden office furniture.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Bryan Borlik,

Director.

[FR Doc. 2021–05215 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–18–2021]

Foreign-Trade Zone 158—Vicksburg/Jackson, Mississippi; Application for Reorganization (Expansion of Service Area) Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Greater Mississippi Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 158, requesting authority to reorganize the zone to expand its service area under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on March 9, 2021.

FTZ 158 was approved by the FTZ Board on April 11, 1989 (Board Order 430, 54 FR 15480 April 18, 1989) and reorganized under the ASF on September 6, 2018 (Board Order 2060, 83 FR 46142, September 12, 2018). The zone currently has a service area that includes Claiborne, Hinds, Madison, Marshall, Pontotoc, Rankin, Tate, Warren and Washington Counties and portions of Lee and Tishomingo Counties, Mississippi.

The applicant is now requesting authority to expand the service area of the zone to include Grenada and Panola Counties, as described in the application. If approved, the grantee would be able to serve sites throughout the expanded service area based on companies' needs for FTZ designation. The application indicates that the proposed expanded service area is adjacent to the Greenville (Mississippi) and Memphis (Tennessee) Customs and Border Protection Ports of Entry.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is May 14, 2021. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 1, 2021.

A copy of the application will be available for public inspection in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.* For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: March 9, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–05298 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 210310–0052]

RIN 0694–XC073

Risks in the Semiconductor Manufacturing and Advanced Packaging Supply Chain

AGENCY: Bureau of Industry and Security, Office of Technology Evaluation, U.S. Department of Commerce.

ACTION: Notice of request for public comments.

SUMMARY: On February 24, 2021, President Biden issued an Executive order on ''America's Supply Chains,'' which directs several Federal agency actions to secure and strengthen America's supply chains. One of these directions is for the Secretary of Commerce (the Secretary) to submit, within 100 days, a report to the President identifying risks in the semiconductor manufacturing and advanced packaging supply chains, and proposing policy recommendations to address these risks. Additionally, the National Defense Authorization Act of 2021 (FY21 NDAA) includes a title for, ''Creating Helpful Incentives to Produce Semiconductors for America'' that mandates several Federal actions in securing the semiconductor-related supply chain. One of these requirements is for the Secretary to assess the capabilities of the U.S. microelectronics industrial base to support the national defense, in light of the global nature and interdependence of the supply chain with respect to manufacture, design, and end use. This notice requests comments and information from the public to assist the Department of Commerce (Commerce) in preparing the report required by the Executive order. After that report is completed, Commerce will assess whether additional information will be needed to conduct the assessment required by the FY21 NDAA.

DATES: The due date for filing comments is April 5 2021.

ADDRESSES: *Submissions:* All written comments in response to this notice must be addressed to Semiconductor Manufacturing Supply Chain filed through the Federal eRulemaking Portal: *http://www.regulations.gov.* To submit comments via *http://www.regulations.gov,* enter docket number BIS–2021–0011 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 and click on the link entitled ''Comment Now!'' (For further information on using *http://www.regulations.gov,* please consult the resources provided on the website by clicking on ''How to Use This Site.'')

FOR FURTHER INFORMATION CONTACT: David Boylan, Defense Industrial Base Division, Office of Technology Evaluation, Bureau of Industry and Security, at 202–734–9652, *David.Boylan@bis.doc.gov,* or *Semiconductorstudy@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

On February 24, 2021, President Biden issued Executive Order 14017, ''America's Supply Chains'' (86 FR 11849) (E.O. 14017). E.O. 14017 focuses on the need for resilient, diverse, and secure supply chains to ensure U.S. economic prosperity and national security. Such supply chains are needed to address conditions that can reduce critical manufacturing capacity and the availability and integrity of critical goods, products, and services. In relevant part, E.O. 14017 directs that within 100 days, the Secretary shall submit a report to the President, through the Assistant to the President for National Security Affairs (APNSA) and the Assistant to the President for Economic Policy (APEP), identifying the risks in the semiconductor manufacturing and advanced packaging supply chains and policy recommendations to address these risks.

Additionally, Title XCIX of the National Defense Authorization Act of 2021 (FY21 NDAA), ''Creating Helpful Incentives to Produce Semiconductors for America,'' mandates several Federal actions to secure the security of the semiconductor-related supply chain. Section 9904 of the FY21 NDAA (''Department of Commerce Study on Status of Microelectronics Technologies in the United States'') requires the Secretary to assess the capabilities of the U.S. microelectronics industrial base to support the national defense, in light of the global nature and interdependence of the supply chain with respect to manufacture, design, and end use. The Secretary must submit a report to Congress that includes a list of critical technology areas impacted by potential disruptions in the production of microelectronics and an assessment of gaps and vulnerabilities in the microelectronics supply chain.

This notice requests comments and information from the public to assist Commerce in preparing the report required by Executive Order 14017. In developing this report, the Secretary will consult with the heads of appropriate agencies, and will be advised by all relevant bureaus and components of the Department of Commerce, including, but not limited to the Bureau of Industry and Security and the International Trade Administration. After that report is completed, Commerce will assess whether additional information will be needed to conduct the assessment required by Section 9904 of the FY21 NDAA.

Written Comments

The Department is particularly interested in comments and information directed to the policy objectives listed in E.O. 14017 as they affect the U.S. semiconductor manufacturing and advanced packaging supply chains, including but not limited to the following elements:

(i) Critical and essential goods and materials underlying the semiconductor manufacturing and advanced packaging supply chain;

(ii) manufacturing and other capabilities necessary to produce semiconductors, including electronic design automation software and advanced integrated circuit packaging techniques and capabilities;

(iii) the availability of the key skill sets and personnel necessary to sustain a competitive U.S. semiconductor ecosystem, including the domestic education and manufacturing workforce skills needed for semiconductor manufacturing; the skills gaps therein, and any opportunities to meet future workforce needs;

(iv) risks or contingencies that may disrupt the semiconductor supply chain (including defense, intelligence, cyber, homeland security, health, climate, environmental, natural, market, economic, geopolitical, human-rights or forced labor risks):

a. Risks posed by reliance on digital products that may be vulnerable to failures or exploitation;

b. risks resulting from lack of or failure to develop domestic manufacturing capabilities, including emerging capabilities;

(v) the resilience and capacity of the semiconductor supply chain to support national and economic security and emergency preparedness, including:

a. Manufacturing or other needed capacities (including ability to modernize to meet future needs);

b. gaps in manufacturing capabilities, including nonexistent, threatened, or single-point-of-failure capabilities, or single or dual suppliers;

c. location of key manufacturing and production assets, and risks posed by these assets' physical location;

d. exclusive or dominant supply of critical or essential goods and materials by or through nations that are, or may become, unfriendly or unstable;

e. availability of substitutes or alternative sources for critical or essential goods and materials;

f. need for research and development capacity to sustain leadership in the development of goods and materials critical or essential to semiconductor manufacturing;

g. current domestic education and manufacturing workforce skills and any identified gaps, opportunities and potential best practices;

h. role of transportation systems in supporting the semiconductor supply chain and risks associated with these transportation systems;

i. risks posed by climate change to the availability, production, or transportation of goods and materials critical to semiconductor manufacturing.

(vi) Potential impact of the failure to sustain or develop elements of the semiconductor supply chain in the United States on other key downstream capabilities, including but not limited to food resources, energy grids, public utilities, information communications technology (ICT), aerospace applications, artificial intelligence applications, 5G infrastructure, quantum computing, supercomputer development, and election security. Also, the potential impact of purchases of semi-conductor finished products by downstream customers, including volume and price, product generation and alternate inputs.

(vii) Policy recommendations or suggested executive, legislative, regulatory changes, or actions to ensure a resilient supply chain for semiconductors (*e.g.,* reshoring, nearshoring, or developing domestic suppliers, cooperation with allies to identify or develop alternative supply chains, building redundancy into supply chains, ways to address risks due to vulnerabilities in digital products or climate change).

(viii) Any additional comments relevant to the assessment of the semiconductor manufacturing and advanced packing supply chains required by E.O. 14017.

Commerce encourages commenters, when addressing the elements above, to structure their comments using the same text as identifiers for the areas of inquiry to which their comments respond to assist Commerce in more easily reviewing and summarizing the comments received in response to these specific comment areas. For example, a commenter submitting comments responsive to *(i) critical and essential goods and materials underlying the semiconductor supply chain,* would use that same text as a heading in the public comment followed by the commenter's specific comments in this area.

Requirements for Written Comments

The *http://www.regulations.gov* website allows users to provide comments by filling in a ''Type Comment'' field, or by attaching a document using an ''Upload File'' field. The Department prefers that comments be provided in an attached document. The Department prefers submissions in Microsoft Word (.doc files) or Adobe Acrobat (.pdf files). If the submission is in an application format other than Microsoft Word or Adobe Acrobat, please indicate the name of the application in the ''Type Comment'' field. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter within the comments. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file, so that the submission consists of one file instead of multiple files. Comments (both public comments and non-confidential versions of comments containing business confidential information) will be placed in the docket and open to public inspection. Comments may be viewed on *http://www.regulations.gov* by entering docket number BIS–2021–0011 in the search field on the home page.

All filers should name their files using the name of the person or entity submitting the comments. Anonymous comments are also accepted. Communications from agencies of the United States Government will not be made available for public inspection.

Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission. The non-confidential version of the submission will be placed in the public file on *http://www.regulations.gov.* For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. The non-confidential version must be clearly marked ''PUBLIC''. The file name of the non-confidential version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or rebuttal comments. If a public hearing is held in support of this assessment, a separate **Federal Register** notice will be published providing the date and information about the hearing.

The Bureau of Industry and Security does not maintain a separate public inspection facility. Requesters should first view the Bureau's web page, which can be found at *https://efoia.bis.doc.gov/* (see ''Electronic FOIA'' heading). If requesters cannot access the website, they may call 202–482–0795 for assistance. The records related to this assessment are made accessible in accordance with the regulations published in part 4 of title 15 of the Code of Federal Regulations (15 CFR 4.1 through 4.11).

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2021–05353 Filed 3–11–21; 2:00 pm]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–523–808]

Certain Steel Nails From the Sultanate of Oman: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019

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

SUMMARY: The Department of Commerce (Commerce) determines that certain steel nails (steel nails) from the Sultanate of Oman (Oman) were not sold in the United States at less than normal value during the period of review (POR), July 1, 2018, through June 30, 2019.

DATES: Applicable March 15, 2021.

FOR FURTHER INFORMATION CONTACT: Dakota Potts, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0223.

SUPPLEMENTARY INFORMATION:

Background

On September 30, 2020, Commerce published the *Preliminary Results* of the 2018–2019 antidumping duty (AD) administrative review of steel nails from

Oman.[1] This administrative review covers four producers and/or exporters of the subject merchandise.[2] Commerce selected Oman Fasteners LLC (Oman Fasteners) for individual examination. The producers/exporters not selected for individual examination are listed in the ''Final Results of the Review'' section of this notice. On January 8, 2021, Commerce extended the due date for issuing the final results of this review by 28 days, until February 25, 2021.[3] For a complete description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[4]

Scope of the Order

The products covered by this order are steel nails from Oman. For a full description of the scope of the order, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Determination of No Shipments

In the *Preliminary Results,* Commerce determined that Astrotech Steels Private Ltd. (Astrotech), Geekay Wires Limited (Geekay), and Trinity Steel Private Limited (Trinity) made no shipments of the subject merchandise during the POR. As we have not received any information to contradict our preliminary finding, we find that Astrotech, Geekay, and Trinity did not have any shipments of subject merchandise during the POR and we will issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on these final results of this review.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties, we made the following changes to the *Preliminary Results:*

- We recalculated the constructed value (CV) financial ratios for profit and indirect selling expenses (ISEs) by removing a financial statement from the preliminary calculation.[5]
- We recalculated certain companies' financial ratios which entailed a recalculation of the overall CV profit and ISE ratios.[6]

Final Results of the Review

We have determined the following weighted-average dumping margin applies to the producers/exporters listed below for the period July 1, 2018, through June 30, 2019:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Oman Fasteners LLC	0.00
Al Kiyumi Global LLC	0.00
Modern Factory for Metal Products	0.00
WWL India Private Ltd	0.00

Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days after publication of these final results in the **Federal Register**, in accordance with section 751(a) of the Act and 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

We intend to calculate importer- (or customer-) specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer's (or customer's) examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific rate is zero or de minimis within the meaning of 19 CFR 351.106(c)(1), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Generally, when calculating margins for non-selected respondents, Commerce looks to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others margin in an investigation. Section 735(c)(5)(A) of the Act provides that when calculating the all-others margin, Commerce will exclude any zero and de minimis weighted-average dumping margins, as well as any weighted-average dumping margins based on total facts available. Accordingly, Commerce's usual practice has been to average the margins for selected respondents, excluding margins that are zero, de minimis, or based entirely on facts available.

In this review, we calculated a weighted-average dumping margin of 0.00 percent for the only respondent in this review, *i.e.,* Oman Fasteners. In accordance with section 735(c)(5)(A) of the Act, Commerce assigned Oman Fasteners' weighted-average margin, 0.00 percent, to the non-selected companies in these final results. The rate calculated for the non-selected companies is a weighted-average percentage margin which is calculated based on the U.S. value of Oman Fasteners, the only respondent reviewed, with an affirmative AD margin.[7] Accordingly, we have applied a rate of 0.00 percent to the non-selected companies.

Further, because we find in these final results that Astrotech, Geekay, and Trinity had no shipments of subject merchandise during the POR, we will instruct CBP to liquidate any suspended entries that entered under its AD case number (*i.e.,* at the exporter's rate) or at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

[1] *See Certain Steel Nails from the Sultanate of Oman: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No-Shipments; 2018–2019,* 85 FR 61720 (September 30, 2020) (*Preliminary Results*), and accompanying Preliminary Decisions Memorandum.

[2] This review covers the following companies: Oman Fasteners LLC, Al Kiyumi Global LLC, Modern Factory for Metal Products, and WWL India Private Ltd.

[3] *See* Commerce's Letter, ''2018–2019 Administrative Review of the Antidumping Duty Order on Certain Steel Nails from the Sultanate of Oman: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated January 8, 2021.

[4] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2018–2019 Administrative Review of the Antidumping Duty Order on Certain Steel Nails from the Sultanate of Oman,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[5] *See* Issues and Decision Memorandum at Comment 2.

[6] *Id.* at Comment 3.

[7] *See Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010).

Commerce's ''reseller policy'' will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[8]

The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future cash deposits of estimated duties, where applicable. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for respondents noted above will be the rate established in the final results of this administrative review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(I), in which case the cash deposit rate will be zero; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 20.58 percent, the all-others rate established in the LTFV investigation.[9] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notice to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: February 24, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Final Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Changes Since the Preliminary Results
V. Discussion of the Issues
Comment 1: Whether Commerce Erred in Rejecting Inmax Holding Company Ltd.'s Financial Statements
Comment 2: Which Financial Statements are the Appropriate Source for the Calculation of Constructed Value (CV) Profit and Indirect Selling Expense (ISE) Ratios
Comment 3: Whether Commerce Should Adjust the CV Profit and ISE Ratios Derived from the Financial Statements used for CV
Comment 4: Whether Commerce Should Allow a Profit Cap
Comment 5: Whether Commerce's Targeted Differential Pricing Methodology is Unlawful
VI. Recommendation

[FR Doc. 2021–05304 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–DS–P

[8] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[9] *See Steel Concrete Reinforcing Bar from Mexico: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances,* 79 FR 54967 (September 15, 2014).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–837]

Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) From Taiwan: Final Results of Antidumping Duty Administrative Review; 2018–2019

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

SUMMARY: On November 23, 2020, the Department of Commerce (Commerce) published the preliminary results of the administrative review of the antidumping duty (AD) order on polyethylene terephthalate film, sheet, and strip (PET film) from Taiwan. The period of review (POR) is July 1, 2018, through June 30, 2019. We continue to find that Nan Ya Plastics Corporation (Nan Ya) did not make sales at less than normal value and that Shinkong Materials Technology Corporation (SMTC) had no shipments of subject merchandise during the POR.

DATES: Applicable March 15, 2021.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5255.

SUPPLEMENTARY INFORMATION:

Background

On November 23, 2020, Commerce published the *Preliminary Results* for this administrative review.[1] In the *Preliminary Results,* we invited interested parties to comment within 30

[1] *See Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2018–2019,* 85 FR 74673 (November 23, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

days.[2] No interested party submitted comments or requested a hearing in this administrative review. The current deadline for these final results is March 23, 2021. Commerce conducted this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the AD order are all gauges of raw, pretreated, or primed PET film, whether extruded or coextruded. Excluded are metalized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of polyethylene terephthalate film, sheet, and strip are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the AD order is dispositive.

Final Determination of No Shipments

Because we received no comments on the *Preliminary Results,* we have made no changes to the preliminary determination of no shipments. Based on our analysis of U.S. Customs and Border Protection (CBP) information and information provided by SMTC and its affiliate Shinkong Synthetic Fibers Corporation (SSFC), we continue to determine that SMTC had no shipments of the subject merchandise during the POR.[3]

Final Results of Review

As noted above, Commerce received no comments concerning the *Preliminary Results.* As there are no changes from, or comments upon, the *Preliminary Results,* Commerce finds that there is no reason to modify its analysis and calculations. Accordingly, we adopt the analysis and explanation in our *Preliminary Results* for the purposes of these final results, nor have we prepared an Issues and Decision Memorandum to accompany this **Federal Register** notice. The final weighted-average dumping margin for the period July 1, 2018, through June 30, 2019, for Nan Ya is as follows:

Producer/exporter	Weighted-average margin (percent)
Nan Ya Plastics Corporation	0.00

Assessment Rates

Commerce has determined, and CBP shall assess, antidumping duties on all appropriate entries in this review, in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1). Commerce intends to issue assessment instructions directly to CBP no earlier than 35 days after publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for statutory injunction has expired (*i.e.,* within 90 days of publication). Because we calculated a zero margin in the final results of this review for Nan Ya, in accordance with 19 CFR 351.212 we will instruct CBP to liquidate the appropriate entries without regard to dumping duties.[4]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Nan Ya will be zero, the rate established in the final results of this review; (2) for previously reviewed or investigated companies not covered in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period in which that company participated; (3) if the exporter is not a firm covered in this or any previous review or in the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash-deposit rate will be the rate established for the manufacturer of the merchandise in these final results of review or in the final results for the most recent period in which that manufacturer participated; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review or the investigation, the cash-deposit rate will continue to be the all-others rate of 2.40 percent, which is the all-others rate established by Commerce in the LTFV investigation.[5] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, there are no calculations to disclose here because Commerce made no changes to the analysis or calculations in the *Preliminary Results.*[6]

Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation, which is subject to sanction.

[2] *See Preliminary Results.*

[3] For a full discussion of this determination, *see Preliminary Results* PDM.

[4] *See* 19 CFR 351.106(c)(2).

[5] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from Taiwan,* 67 FR 44174, 44175 (July 1, 2002), unchanged in *Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from Taiwan,* 67 FR 46566 (July 15, 2002); *see also Final Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from Taiwan,* 67 FR 35474 (May 20, 2002).

[6] For disclosure of calculations made in the *Preliminary Results, see* Memorandum, ''Analysis Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan: Nan Ya Plastics Corporation (Nan Ya),'' dated November 17, 2020.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: March 9, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–05320 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–602–809]

Certain Hot-Rolled Steel Flat Products From the Australia: Rescission of Antidumping Duty Administrative Review; 2019–2020

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on certain hot-rolled steel flat products (HR Steel) from Australia covering the period of review (POR) October 1, 2019, through September 30, 2020, based on the timely withdrawal of the request for review.

DATES: Applicable March 15, 2021.

FOR FURTHER INFORMATION CONTACT: Christopher Williams, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5166.

SUPPLEMENTARY INFORMATION:

Background

On October 1, 2020, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on HR Steel from Australia for the period October 1, 2019, through September 30, 2020.[1] On November 2, 2020, AK Steel Corporation, Steel Dynamics Inc., SSAB Enterprises, LLC, Nucor Corporation, and United States Steel Corporation (the petitioners) timely requested an administrative review of the antidumping duty order with respect to BlueScope Steel, Ltd.[2] Commerce received no other requests for an administrative review of the antidumping duty order.

On December 8, 2020, pursuant to section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), we published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on HR Steel from Australia with respect to BlueScope Steel, Ltd.[3] On March 3, 2021, the petitioners timely withdrew their administrative review request for BlueScope Steel, Ltd.[4]

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The petitioners withdrew their request for review within 90 days of the publication date of the *Initiation Notice.* No other parties requested an administrative review of the antidumping duty order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding the administrative review of the antidumping order on HR Steel from Australia for the period October 1, 2019, through September 30, 2020, in its entirety.

Assessment

Commerce will instruct CBP to assess antidumping duties on all appropriate entries of HR Steel from Australia during the POR at rates equal to the cash deposit rate of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: March 10, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–05297 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 85 FR 61926 (October 1, 2020).

[2] *See* Petitioners' Letter, ''Hot-Rolled Steel Flat Products from Australia: Request for Administrative Review of Antidumping Duty Order,'' dated October 30, 2020.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 78990 (December 8, 2020) (*Initiation Notice*). Commerce found that BlueScope Steel (AIS) Pty Ltd and BlueScope Steel Distribution Pty Ltd are affiliated with BlueScope Steel, Ltd, the company for which a review was requested, as such, Commerce initiated this review with respect to all three companies. *See Certain Hot-Rolled Steel Flat Products from Australia: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 81 FR 15241 (March 22, 2016), and accompanying Preliminary Decision Memorandum at 8; unchanged in *Certain Hot-Rolled Steel Flat Products from Australia: Final Determination of Sales at Less Than Fair Value,* 81FR 53406, 53407 (August 12, 2016), and accompanying Issues and Decision Memorandum.

[4] *See* Petitioners' Letter, ''Hot-Rolled Steel Flat Products from Australia: Withdrawal of Request for Administrative Review of Antidumping Duty Order,'' dated March 3, 2021.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; NIST Associates Information System

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing

information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on January 7, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Institute of Standards and Technology (NIST).

Title: NIST Associates Information System.

OMB Control Number 0693–0067.

Form Number(s):

Type of Request: Revision and extension of a current information collection.

Number of Respondents: 4,000.

Average Hours per Response: 40 minutes.

Burden Hours: 2,667.

Needs and Uses: NIST Associates (NA) will include guest researchers, research associates, contractors, and other non-NIST employees that require access to the NIST campuses or resources. The NIST Associates Information System (NAIS) information collection instruments(s) are completed by incoming NAs. They are asked to provide personal identifying data including home address, date and place of birth, employer name and address, and basic security information. The data provided by the collection instruments is input into NAIS which automatically populates the appropriate forms and is routed through the approval process. NIST's Office of Security receives security forms through the NAIS process and can allow preliminary access to NIST for NAs. The data collected is the basis for further security investigations as necessary.

Affected Public: Individuals or households.

Frequency: Once.

Respondent's Obligation: Required to obtain or retain benefits.

Legal Authority:

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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 and entering either the title of the collection or the OMB Control Number 0693–0067.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–05296 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Generic Clearance for Decision Science Data Collections

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before May 14, 2021.

ADDRESSES: Interested persons are invited to submit written comments by mail to Elizabeth Reinhart, Management Analyst, National Institute of Standards and Technology (NIST), *elizabeth.reinhart@nist.gov* or *PRAcomments@doc.gov*). Please reference NIST Generic Clearance for Decision Science Data Collections in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Elizabeth Reinhart, Management Analyst, National Institute of Standards and Technology (NIST), 301–975–8707, or *elizabeth.reinhart@nist.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The core mission of the National Insitute of Standards and Technology (NIST) is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life. NIST's operating units across the agency increasingy recognize that the built environment is meant to serve social and economic functions. With this in mind, NIST proposes to conduct a number of data collection efforts directly related to decision-making across individuals, insitutions, and communities relevant to key research areas of the agency. The use of decision and information sciecne is critical to further the mission of NIST to promote U.S. innovation and industrial competitiveness. NIST proposes to conduct a number of data collection efforts in decision and information science to include: Decision analysis, risk analysis, cost-benefit and cost-effectiveness analysis, constrained optimization, simulation modeling, and application of perception, information processing, and decision models and theories; and drawing on parts of operations research, microeconomics, statistical inference, management control, cognitive and social psychology, and computer science. By focusing on decisions as the unit of analysis, decision science provides a unique framework for understanding interactions across technologies, socio-economic networks, organizations (*e.g.,* institutions, firms), elements of the built environment, and a range of ecological problems and perceptions that influence these decisions.

Data may be collected through a variety of modes, including but not limited to electronic or social media, direct or indirect observation (*i.e.,* in-person, video and audio collections), interviews, structured questionnaires, and focus groups.

II. Method of Collection

NIST will collect this information by electronic means when possible, as well as by mail, fax, telephone, technical discussions, and in-person interviews. NIST may also utilize observational techniques to collect this information.

Furthermore, remuneration will be offered to respondents when deemed appropriate. Remuneration is justified due to:

(1) The complex study design of many collections requires ongoing participation of various respondents, each of whom is important to achieving study goals. In such studies, should

attrition occur at a higher rate than expected, the study goals will not be met.

(2) There is burden on the respondent to take time out of their workday in many cases. There will be equity in the use of remuneration: All respondents will be treated equally with regard to incentives.

III. Data

OMB Control Number: New collection.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Individuals or households; first responders; businesses or other for-profit organizations; not-for-profit institutions; State, local or tribal government; Federal government; Standards-making bodies; Universities.

Estimated Number of Respondents: 48,000.

Estimated Time per Response: Varied, dependent upon the data collection method used. The possible response time may be 15 minutes to complete a questionnaire or 2 hours to participate in an interview.

Estimated Total Annual Burden Hours: 15,000.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. 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 may 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.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–05226 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA928]

Fisheries of the South Atlantic; South Atlantic Fishery Management Council—Public Meetings

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

ACTION: Workshops for the South Atlantic Fishery Management Council Citizen Science Program's Customizable Citizen Science Mobile Application.

SUMMARY: The South Atlantic Fishery Management Council's (Council) Citizen Science Program will hold three workshops via webinar to assist in the development of a customizable citizen science mobile application.

DATES: The workshops via webinar will be held on Thursday, April 1, 2021 from 9 a.m. until 12:30 p.m.; Wednesday, April 14, 2021 from 9 a.m. until 12:30 p.m.; and Tuesday, April 20, 2021 from 1 p.m. until 4:30 p.m.

ADDRESSES:

Meeting address: The meetings will be held via webinar. The webinars are open to members of the public. Those interested in participating should contact Julia Byrd (see Contact Information below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar. There will be an opportunity for public comment during the meeting.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julia Byrd, Citizen Science Program Manager, SAFMC; phone 843/302–8433 or toll free 866/SAFMC–10; FAX 843/769–4520; email: *julia.byrd@safmc.net.*

SUPPLEMENTARY INFORMATION: The role of citizen science is an evolving and potentially powerful tool to better understand marine fish populations. With that in mind, the South Atlantic Fishery Management Council's Citizen Science Program has partnered with the Atlantic Coastal Cooperative Statistics Program and the North Carolina Division of Marine Fisheries to develop a mobile application that encourages and supports the capture and sharing of information about Atlantic coast fish. The workshops will be interactive, facilitated meetings with invited participants to refine the design of the customizable citizen science mobile application.

Items of discussion for the workshops are as follows:

1. Clarify and align around the most useful information that could be generated through a citizen science mobile application and identify what questions need to be asked to gather that information.

2. Identify overlaps between the questions identified to determine what common sets of data may be required to answer them.

3. Develop an outline structure for the mobile application that incorporates research needs, useability issues, and positive feedback loops.

The meeting end times are subject to change depending on attendance and discussions.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 10, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–05302 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Boundary Expansion for the Narragansett Bay National Estuarine Research Reserve

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of proposed boundary expansion and availability of a draft

environmental assessment; request for comments.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is considering a request to expand the boundary of the Narragansett Bay National Estuarine Research Reserve (Narragansett Bay NERR or the Reserve) and is soliciting comments from the public on the proposed boundary expansion. The public is also invited to comment on the draft environmental assessment for the proposed boundary expansion.

DATES: Comments must be received at the appropriate address (see **ADDRESSES**) on or before April 14, 2021.

ADDRESSES: The draft environmental assessment describing the proposed boundary expansion can be downloaded or viewed at *coast.noaa.gov/czm/compliance/.* The document is also available by sending a written request to the point of contact identified below (see **FOR FURTHER INFORMATION CONTACT**).

You may submit comments by any of the following methods:

Electronic Submission: Submit all electronic public comments by email to *Adrianne.Harrison@noaa.gov.*

Mail: Submit written comments to Patmarie S. Nedelka, Office for Coastal Management, 1305 East-West Highway, N/ORM, 10th Floor, Silver Spring, MD 20910.

Comments submitted by any other method or after the comment period may not be considered. All comments are part of the public record and may be publicly accessible. Any personal identifying information (*e.g.,* name or address) submitted voluntarily by the sender may also be accessible. NOAA will accept anonymous comments.

FOR FURTHER INFORMATION CONTACT: Adrianne Harrison of NOAA's Office for Coastal Management on contract with Lynker Inc, by email at *Adrianne.Harrison@noaa.gov,* phone at 603–862–4272, or mail at: Patmarie S. Nedelka, Office for Coastal Management, 1305 East-West Highway, N/ORM, 10th Floor, Silver Spring, MD 20910.

SUPPLEMENTARY INFORMATION:

I. Background

The Rhode Island Department of Environmental Management, as lead agency for managing the Narragansett Bay NERR, has requested approval to expand the reserve's geographic boundary by adding 1 new parcel to the existing approved boundary. Pursuant to 15 CFR 921.33(a), NOAA may require public notice, including notice in the **Federal Register** and an opportunity for public comment, before approving a boundary or management plan change. In addition, boundary changes involving the acquisition of properties not listed in the reserve's management plan or final environmental impact statement require public notice and the opportunity for comment. Since the Little Property parcel was not evaluated in the reserve's original environmental impact statement, NOAA has developed an environmental assessment to analyze the effects of the requested change, and is publishing notice of the availability of this assessment for public review and comment.

II. NOAA Proposed Action and Alternatives

NOAA is releasing a draft environmental assessment, prepared in accordance with section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4332(2)(C), and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508). NOAA's proposed action would be to approve a change in the boundary of the Narragansett Bay NERR to add 1 parcels to the current boundary.

The draft environmental assessment identifies and assesses potential environmental impacts associated with the proposed boundary expansion, and identifies a preferred alternative and a no action alternative. The preferred alternative would add 1 parcels to the reserve's boundary, which would result in a net increase in size of 103 acres. As a result, NOAA believes the proposed boundary expansion would (1) fill in a gap in the Narragansett Bay NERR near the center of Prudence Island, (2) provide a more encompassing area for the Reserve's research, monitoring, and education programs, and (3) provide an opportunity for more coordination and integrated ecosystem management that would help the Reserve attain its mission of practicing and promoting coastal and estuarine stewardship through innovative research and education, using a system of protected areas. Therefore, NOAA prefers the proposed boundary expansion over the no action alternative.

Authority: 16 U.S.C. 1451 *et seq.;* 15 CFR 921.33.

Keelin S. Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2021–05285 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Review of Nomination for Lake Erie Quadrangle National Marine Sanctuary

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: In May 2020, the Office of National Marine Sanctuaries of the National Oceanic and Atmospheric Administration requested written comments to facilitate ONMS review of the nomination for Lake Erie Quadrangle National Marine Sanctuary (NMS). NOAA requested relevant information as it pertains to the 11 national significance criteria and management considerations that NOAA applied to evaluate the Lake Erie Quadrangle NMS nomination for inclusion in the national inventory of areas that NOAA may consider for future designation as a national marine sanctuary. NOAA has synthesized the information gathered through the public process, completed an internal analysis, and the ONMS Director has made a final determination that the Lake Erie Quadrangle NMS nomination will remain in the inventory beyond the February 22, 2021 expiration date.

DATES: This determination took effect on February 22, 2021.

ADDRESSES: Ellen Brody, Great Lakes Regional Coordinator, 4840 South State Road, Ann Arbor, MI 48108 or at *ellen.brody@noaa.gov,* 734–741–2270, and at *https://nominate.noaa.gov/nominations/.*

FOR FURTHER INFORMATION CONTACT: Ellen Brody, Great Lakes Regional Coordinator, 4840 South State Road, Ann Arbor, MI 48108 or at *ellen.brody@noaa.gov,* 734–741–2270.

SUPPLEMENTARY INFORMATION:

Background Information

In 2014, NOAA issued a final rule establishing the sanctuary nomination process (SNP), a process by which communities may submit nominations of areas of the marine and Great Lakes environment for NOAA to consider for designation as a national marine sanctuary (79 FR 33851). The final rule establishing the SNP included a five-year limit on any nomination added to the inventory that NOAA does not advance for designation. The nomination for Lake Erie Quadrangle NMS was accepted to the national

inventory on February 22, 2016, and was scheduled to expire in February 2021.

On November 13, 2019, NOAA issued a document (84 FR 61546) to clarify procedures for evaluating and updating a nomination as it approaches the five-year mark. The clarified procedure ensures the inventory contains nominations that remain relevant and responsive to the 11 SNP national significance criteria and management considerations (''SNP Criteria''). The 11 SNP Criteria can be found at *https://nominate.noaa.gov.*

On January 12, 2021, NOAA issued a request for public comments on this nomination (86 FR 2384). NOAA requested relevant information pertaining to the 11 SNP Criteria that NOAA applied to evaluate the Lake Erie Quadrangle NMS nomination for inclusion in the national inventory of areas that NOAA may consider for future designation as a national marine sanctuary. No public comments were received during this public comment period, however, the nominator did provide additional information which NOAA has used in evaluating the nomination. In analyzing this material, particular attention was given to new scientific information about the national significance of natural and cultural resources, as well as increases or decreases in the threats to resources originally proposed for protection, and changes to the management framework of the area. NOAA also assessed the level of community-based support for the nomination from a broad range of interests.

Following NOAA's review of information provided regarding the nomination's merit for remaining on the inventory after five years, it was determined that new information shows: There are still significant threats to the area; it is still an area of national significance; and, there is still broad community support for the nomination remaining on the inventory of possible designations, among other criteria that the nomination still continues to meet. Therefore, the ONMS Director has determined the nomination for the Lake Erie Quadrangle NMS should remain on the inventory. NOAA is not proposing to designate Lake Erie Quadrangle NMS or any other new national marine sanctuary with this action. This notice serves to inform the public of this decision to extend the nomination on the inventory.

Authority: 16 U.S.C. 1431 *et seq.*

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2021–05284 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA930]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a four-day meeting via webinar of its Standing, Reef Fish, and Socioeconomic Scientific and Statistical Committees (SSC).

DATES: The meeting will be held on Tuesday, March 30 to Friday, April 2, 2021, 9 a.m.–5 p.m., EDT.

ADDRESSES: The meeting will take place via webinar; you may register by visiting *www.gulfcouncil.org* and clicking on the SSC meeting on the calendar.

Council address: Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Ryan Rindone, Lead Fishery Biologist, Gulf of Mexico Fishery Management Council; *ryan.rindone@gulfcouncil.org,* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Tuesday, March 30, 2021–Thursday, April 1, 2021; 9 a.m.–12 p.m., EST

Meeting will begin with Introductions and Adoption of Agenda. The Committees will review the Great Red Snapper Count (GRSC) Project, including: The Review Terms of Reference; summary presentations about the GRSC including but not limited to study design and sampling approaches; statistics and data analysis; and results. The SSC will be provided with the independent consultant's initial findings. The first portion of the meeting will end with consultant and SSC deliberations on the GRSC Project.

Thursday, April 1, 2021–Friday, April 2, 2021; 1 p.m.–12 p.m., EST

The Committees will then begin the SSC meeting portion of the webinar with the Approval of Verbatim Minutes and Meeting Summary: January 5–7, 2021 webinar meeting; Scope of Work; Selection of SSC Representative for the April 12–15, 2021 Gulf Council Meeting via webinar.

Friday, April 2, 2021; 1 p.m.–5 p.m., EST

The Committees will then review the GRSC-informed Catch Analysis from the Southeast Fisheries Science Center (SEFSC); and then the Red Snapper Interim Analysis including but not limited to the National Marine Fisheries Service Bottom Longline fishery-independent index. The SSC will determine BSIA and make new overfishing limit (OFL) and acceptable biological catch (ABC) recommendations for Gulf of Mexico red snapper, as appropriate.

Lastly, the Committees will receive public comment; and discuss any Other Business items.

Meeting Adjourns

The meeting will be broadcast via webinar. You may register for the webinar by visiting *www.gulfcouncil.org* and clicking on the SSC meeting on the calendar.

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on *www.gulfcouncil.org* as they become available.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committee will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take-action to address the emergency.

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

Dated: March 10, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–05303 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA926]

Mid-Atlantic Fishery Management Council (MAFMC); Workshop

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

ACTION: Notice of public workshops.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold three regional public webinar workshops to solicit input on future management of the recreational summer flounder fishery and strategies to minimize discards.

DATES: The regional webinar workshops will be held between March 29 and April 5, 2021. Each workshop will be held from 5:30 p.m. through 8 p.m., EST. See **SUPPLEMENTARY INFORMATION** for more details, including the dates and times for all regional workshops.

ADDRESSES: These workshops will take place over webinar using the WebEx platform with a telephone-only connection option. Details on how to connect to the webinar by computer and by telephone will be available at: *https://www.mafmc.org/.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; website: *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Council is collecting stakeholder feedback and suggestions regarding current and future management of the recreational summer flounder fishery. Public input provided will help inform the development of a management strategy evaluation (MSE) which will evaluate different management strategies designed to minimize discards in the recreational summer flounder fishery. This MSE is part of the Council's continued implementation of its Ecosystem Approach to Fisheries Management (EAFM) structured framework process that will evaluate different management approaches within an ecosystem context to determine if the outcomes associated with the different approaches achieve management goals and objectives. Workshop participants will listen to a series of short background presentations and will then participate in an MSE workshop to provide input and feedback regarding summer flounder discard concerns, potential management objectives to address these concerns, and performance metrics and strategies to achieve these objectives.

The dates and times of the three webinar workshops are listed below. Individuals are encouraged to participate in the workshop for their region; however, all workshops are open to all individuals.

1. Massachusetts through Connecticut: Monday, March 29, 2021; 5:30 p.m.–8 p.m.
2. New York through Delaware: Wednesday, March 31, 2021; 5:30 p.m.–8 p.m.
3. Maryland through North Carolina: Monday, April 5, 2021; 5:30 p.m.–8 p.m.

A detailed agenda and background documents will be made available on the Council's website (*www.mafmc.org*) prior to the workshops.

Special Accommodations

These workshops are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Kathy Collins, (302) 526–5253, at least 5 days prior to the meeting date.

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

Dated: March 10, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–05301 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA924]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of web conference.

SUMMARY: The Center of Independent Experts (CIE) will be held March 30, 2021 through April 1, 2021.

DATES: The meeting will be held on Tuesday, March 30, 2021 through Thursday, April 1, 2021, the agenda with specific times is in the process of being finalized.

ADDRESSES: The meeting will be a web conference. Join online through the link at *https://archive.fisheries.noaa.gov/afsc/refm/stocks/plan_team/2021_pop_cie/.*

Council address: Alaska Fishery Science Center, 7600 Sand Point Way, Seattle, Washington 98115; telephone (206) 526–4000.

FOR FURTHER INFORMATION CONTACT: Pete Hulson, Alaska Fishery Science Center staff; phone; (907) 789–6060; email: *pete.hulson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, March 30, 2021 Through Thursday, April 1, 2021

The CIE is to review the Gulf of Alaska Pacific ocean perch stock assessment model.

The agenda is subject to change, and the latest version will be posted at *https://archive.fisheries.noaa.gov/afsc/refm/stocks/plan_team/2021_pop_cie/* prior to the meeting, along with meeting materials.

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

Dated: March 10, 2021.

Tracey L. Thompson,

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

[FR Doc. 2021–05300 Filed 3–12–21; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Submission for OMB Emergency Review

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection.

SUMMARY: The Corporation for National and Community Service, operating as AmeriCorps, has submitted a public information collection request (ICR) entitled COVID–19 Service Activity Reporting for review and approval in accordance with the Paperwork Reduction Act.

DATES: Unfortunately, since AmeriCorps is requesting OMB's approval of this emergency request by March 18, 2021, there will not be enough time for the public to provide comments through this **Federal Register** Notice before the requested approval date. Therefore, there will be no comment period for this request.

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling AmeriCorps, Robin Corindo, at 202–489–5578 or by email to *rcorindo@cns.gov.*

SUPPLEMENTARY INFORMATION: AmeriCorps Seniors has proposed an electronic collection technique of an online survey as a way to minimize the burden of the collection of the information. The survey will be submitted only once per grantee and estimated time for completion is less than 30 minutes, based on staff testing of the survey. The survey will be submitted electronically, can be completed across multiple technical platforms, and questions have been crafted for ease of reporting and efficient collection. The survey will be complemented with an in-depth set of instructions. Staff will also be available to provide individualized assistance, if needed.

Comments

Title of Collection: AmeriCorps Seniors Alternative Service Plan Reporting.

OMB Control Number: 3045–0035 Type of Review: New Information Collection.

Respondents/Affected Public: Nonprofit organizations that are grantees of AmeriCorps Seniors.

Total Estimated Number of Annual Responses: 1,100.

Total Estimated Number of Annual Burden Hours: 550 hours.

Abstract: The information provided by the survey will enable AmeriCorps to learn if and how current grantees are engaged in service during the COVID–19 pandemic.

Additionally, it provides information to AmeriCorps Seniors about how soon grantees can begin in-person service activities and the likelihood they can do so. This will enable AmeriCorps Seniors to better target training and technical assistance to grantees. Information collected will also influence the decision as to extending the March 31 deadline of the temporary allowance—the small payments made to volunteers who are unable to serve due to COPVID–19—in lieu of their traditional stipend.

Dated: March 10, 2021.

Atalaya Jones Sergi,

Director, AmeriCorps Seniors.

[FR Doc. 2021–05313 Filed 3–12–21; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–60–000]

Southern Natural Gas Company, L.L.C.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on February 24, 2021, Southern Natural Gas Company, L.L.C. (SNG), 569 Brookwood Village, Suite 749, Birmingham, Alabama 35209, filed a prior notice request pursuant to sections 157.205, and 157.216 of the Commission's regulations under the Natural Gas Act, and SNG's blanket certificate issued in Docket No. CP82–406. SNG proposes to abandon three 800 horsepower compressor units at its Onward Compressor Station, located in Sharkey County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

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

Any questions concerning this application may be directed to Parker Gargis, Analyst—Rates & Regulatory, Southern Natural Gas Company, L.L.C., 569 Brookwood Village, Suite 749, Birmingham, Alabama 35209, by telephone at (205) 325–7603, or by email at *Parker_Gargis@kindermorgan.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on May 7, 2021. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is May 7, 2021. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is May 7, 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

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

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 7, 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 CP21–60–000 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing.'' The Commission's eFiling staff are available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

(2) You can file a paper copy of your submission. Your submission must reference the Project docket number CP21–60–000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Parker Gargis, Analyst—Rates & Regulatory, Southern Natural Gas Company, L.L.C., 569 Brookwood Village, Suite 749, Birmingham, Alabama 35209, or by email to *Parker_Gargis@kindermorgan.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: March 8, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–05249 Filed 3–12–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–10–000]

Modernizing Electricity Market Design Supplemental Notice of Technical Conference on Resource Adequacy in the Evolving Electricity Sector

As first announced in the Notice of Technical Conference issued in this proceeding on February 18, 2021, the Federal Energy Regulatory Commission (Commission) will convene a Commissioner-led technical conference in the above-referenced proceeding on Tuesday, March 23, 2021, from approximately 9:00 a.m. to 5:00 p.m. Eastern time. The conference will be held remotely. Attached to this Supplemental Notice is an agenda for the technical conference, which includes the final conference program. Commissioners may attend and participate in the staff-led portions of the technical conference.

Discussions at the conference may involve issues raised in proceedings that are currently pending before the Commission. These proceedings include, but are not limited to:

	Docket No.
ISO New England Inc	ER21–787–000.
ISO New England Inc	ER21–943–000.
Independent Market Monitor for PJM v. PJM Interconnection L.L.C	EL19–47–000.
Office of the People's Counsel for D.C. et al. v. PJM Interconnection	EL19–63–000.
Hollow Road Solar, LLC	EL21–35–000.
PJM Interconnection, L.L.C	EL19–100–000.
PJM Interconnection, L.L.C	ER21–278–000 and ER21–278–001.
PJM Interconnection, L.L.C	EL19–58–005.
PJM Interconnection, L.L.C	ER18–1314–011.
New York Independent System Operator, Inc	ER20–1718–002.
New York State Public Service Commission, et al. v. New York Independent System Operator, Inc	EL16–92–004 and ER17–996–004.
New York Independent System Operator, Inc	ER21–1001–000.
New York Independent System Operator, Inc	ER16–1404–005, ER16–1404–006, and ER16–1404–007.

	Docket No.
New York Independent System Operator, Inc	ER21–502–000 and ER21–502–001.
New York Independent System Operator	ER21–1018–000.
Cricket Valley Energy Center LLC and Empire Generating Company, LLC v. New York Independent System Operator, Inc.	EL21–7–000.

The conference will be open for the public to attend remotely. There is no fee for attendance. Information on this technical conference, including a link to the webcast, will be posted on the conference's event page on the Commission's website *https://www.ferc.gov/news-events/events/technical-conference-regarding-resource-adequacy-evolving-electricity-sector*) prior to the event.

The conference will be transcribed. Transcripts will be available for a fee from Ace Reporting (202–347–3700).

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

For more information about this technical conference, please contact David Rosner at *david.rosner@ferc.gov* or (202) 502–8479 or Emma Nicholson at *emma.nicholson@ferc.gov* or (202) 502–8741. For legal information, please contact Kathryn Shook at *kathryn.shook@ferc.gov* or (202) 502–6190. For information related to logistics, please contact Sarah McKinley at *sarah.mckinley@ferc.gov* or (202) 502–8368.

Dated: March 9, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–05276 Filed 3–12–21; 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: EC21–38–000.
Applicants: Imperial Valley Solar 2, LLC.
Description: Second Amendment to December 31, 2020 Application for Authorization Under Section 203 of the Federal Power Act of Imperial Valley Solar 2, LLC.
Filed Date: 3/8/21.
Accession Number: 20210308–5076.
Comments Due: 5 p.m. ET 3/12/21.

Docket Numbers: EC21–65–000.
Applicants: AEP Generation Resources Inc., Eagle Creek Racine Hydro, LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of AEP Generation Resources Inc., et. al.
Filed Date: 3/5/21.
Accession Number: 20210305–5276.
Comments Due: 5 p.m. ET 3/26/21.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21–102–000.
Applicants: BigBeau Solar, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of BigBeau Solar, LLC.
Filed Date: 3/4/21.
Accession Number: 20210304–5213.
Comments Due: 5 p.m. ET 3/25/21.

Docket Numbers: EG21–103–000.
Applicants: Valley Center ESS, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Valley Center ESS, LLC.
Filed Date: 3/8/21.
Accession Number: 20210308–5146.
Comments Due: 5 p.m. ET 3/29/21.

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

Docket Numbers: ER18–2224–011; ER20–2603–002.
Applicants: Pegasus Wind, LLC, Skeleton Creek Wind, LLC.
Description: Supplement to January 29, 2021 Notice of Non-Material Change in Status of Pegasus Wind, LLC, et al.
Filed Date: 3/5/21.
Accession Number: 20210305–5281.
Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER20–2705–002.
Applicants: Mankato Energy Center, LLC.
Description: Compliance filing: Compliance Filing to be effective 8/20/2020.
Filed Date: 3/8/21.
Accession Number: 20210308–5199.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER20–2706–002.
Applicants: Mankato Energy Center II, LLC.
Description: Compliance filing: Compliance Filing to be effective 8/20/2020.
Filed Date: 3/8/21.
Accession Number: 20210308–5203.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER21–708–002.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Supplement and Correction: Original ISA, SA No. 5621; Queue No. AF1–195 to be effective 3/10/2020.
Filed Date: 3/5/21.
Accession Number: 20210305–5202.
Comments Due: 5 p.m. ET 3/26/21.

Docket Numbers: ER21–1289–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: 2021–03–08_SA 2797 ATC-Lake Mills Light and Water 1st Rev CFA to be effective 5/8/2021.
Filed Date: 3/8/21.
Accession Number: 20210308–5109.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER21–1290–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: 2021–03–08_SA 2767 ATC-Manitowoc Public Utilities 1st Rev CFA to be effective 5/8/2021.
Filed Date: 3/8/21.
Accession Number: 20210308–5112.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER21–1291–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: 2021–03–08_SA 2796 ATC-City of Kaukauna 1st Rev CFA to be effective 5/8/2021.
Filed Date: 3/8/21.
Accession Number: 20210308–5114.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER21–1292–000.
Applicants: Commonwealth Edison Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: ComEd submits revisions to Att. H–13 re: Magid Glove & Safety Mfg. Co. to be effective 3/9/2021.
Filed Date: 3/8/21.
Accession Number: 20210308–5117.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER21–1293–000.
Applicants: ISO New England Inc., NSTAR Electric Company.
Description: Compliance filing: NSTAR; Order No. 864 Supplementing Compliance Filings in ER20–2572 & ER21–1130 to be effective 1/1/2020.
Filed Date: 3/8/21.
Accession Number: 20210308–5136.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER21–1294–000.
Applicants: SunZia Transmission, LLC.
Description: Application for Revision of Negotiated Rate Authority, et al. of SunZia Transmission, LLC.
Filed Date: 3/8/21.
Accession Number: 20210308–5142.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER21–1295–000.
Applicants: ISO New England Inc., Eversource Energy Service Company (as agent).
Description: Compliance filing: Eversource; Order No. 864 Supplemental Compliance Filing-ER20–2572 and ER21–1130 to be effective 1/1/2020.
Filed Date: 3/8/21.
Accession Number: 20210308–5143.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER21–1296–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: 2021–03–08_SA 2795 ATC-City of Hartford 1st Rev CFA to be effective 5/8/2021.
Filed Date: 3/8/21.
Accession Number: 20210308–5147.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER21–1297–000.
Applicants: BigBeau Solar, LLC.
Description: Baseline eTariff Filing: Initial Market-Based Rate Petition of BigBeau Solar to be effective 5/8/2021.
Filed Date: 3/8/21.
Accession Number: 20210308–5170.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER21–1298–000.
Applicants: Wisconsin Public Service Corporation.
Description: § 205(d) Rate Filing: Filing of Annual Formula Rate of PEB and PBOP Changes to be effective 4/1/2021.
Filed Date: 3/8/21.
Accession Number: 20210308–5175.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER21–1299–000.
Applicants: Black Hills Colorado Electric, LLC.
Description: Compliance filing: WECC Soft Offer Cap to be effective N/A.
Filed Date: 3/8/21.
Accession Number: 20210308–5229.
Comments Due: 5 p.m. ET 3/29/21.

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 8, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–05250 Filed 3–12–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR21–36–000.
Applicants: ONEOK WesTex Transmission, L.L.C.
Description: Tariff filing per 284.123(b)(1)+(g): Certification Pursuant to 18 CFR Sec. 284.123(g)(9)(ii) and Revised SOC to be effective 2/13/2021.
Filed Date: 3/1/2021.
Accession Number: 202103015181.
Comments Due: 5 p.m. ET 3/22/2021.
284.123(g) Protests Due: 5 p.m. ET 4/30/2021.

Docket Numbers: RP21–601–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Agreements Filing—Castleton Commodities Merchant to be effective 4/1/2021.
Filed Date: 3/3/21.
Accession Number: 20210303–5000.
Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–602–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing—Sequent Energy to be effective 4/1/2021.
Filed Date: 3/3/21.
Accession Number: 20210303–5001.
Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–603–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing—Shell Energy to be effective 4/1/2021.
Filed Date: 3/3/21.
Accession Number: 20210303–5002.
Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–441–002.
Applicants: Florida Gas Transmission Company, LLC.
Description: Compliance filing Compliance with RP21–441–000 Order (FTS–3 Rates) to be effective 3/1/2021.
Filed Date: 3/4/21.
Accession Number: 20210304–5172.
Comments Due: 5 p.m. ET 3/16/21.

Docket Numbers: RP21–516–001.
Applicants: Sabine Pipe Line LLC.
Description: Tariff Amendment: Amendment to 2003 to be effective 4/1/2021.
Filed Date: 3/4/21.
Accession Number: 20210304–5177.
Comments Due: 5 p.m. ET 3/16/21.

Docket Numbers: RP21–586–001.
Applicants: Florida Gas Transmission Company, LLC.
Description: Tariff Amendment: Amended Fuel Filing to be effective 4/1/2021.
Filed Date: 3/4/21.
Accession Number: 20210304–5173.
Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: RP21–604–000.
Applicants: Bear Creek Storage Company, L.L.C.
Description: Compliance filing Annual Report on Operational Transactions 2021.
Filed Date: 3/4/21.
Accession Number: 20210304–5023.
Comments Due: 5 p.m. ET 3/16/21.

Docket Numbers: RP21–605–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Filing to Incorporate Approved Changes (RP21–387, RP21–388, and RP21–468) to be effective 3/12/2021.
Filed Date: 3/4/21.
Accession Number: 20210304–5098.
Comments Due: 5 p.m. ET 3/16/21.

Docket Numbers: RP21–606–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: REX 2021–03–04 Negotiated Rate (RP21–414) Amendment Revisions to be effective 3/5/2021.
Filed Date: 3/4/21.
Accession Number: 20210304–5102.
Comments Due: 5 p.m. ET 3/16/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 9, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–05278 Filed 3–12–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1297–000]

BigBeau Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of BigBeau Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

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

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 29, 2021.

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

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

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

Dated: March 9, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–05279 Filed 3–12–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2503–182]

Duke Energy Carolinas, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No:* 2503–182.

c. *Date Filed:* February 16, 2021.

d. *Applicant:* Duke Energy Carolinas, LLC.

e. *Name of Project:* Keowee-Toxaway Hydroelectric Project.

f. *Location:* Lake Keowee in Pickens County, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Kelvin Reagan, Duke Energy Lake Services, 526 S Church Street/EC12Q, Charlotte, NC 28202, (704) 382–9386, *kelvin.reagan@duke-energy.com.*

i. *FERC Contact:* Mark Carter, (678) 245–3083, *mark.carter@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* April 8, 2021.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2503–182. Comments emailed to Commission staff are not considered part of the Commission record.

k. *Description of Request:* Duke Energy Carolinas, LLC proposes to issue a lease to Mountain Lakes Marina, LLC for the construction and operation of a non-project, true public marina within the project boundary. The marina would be known as Sunset Marina but would occupy project waters where Gap Hill Marina was previously located. Sunset Marina would occupy 6.08 acres of project lands and waters and would include 13 boat docks to accommodate 171 watercraft, a concrete access ramp to support a dry-stack facility to be located outside the project boundary, continued use of an existing concrete

boat ramp, a fueling facility, and a pump-out facility.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also 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. 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, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: March 9, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–05282 Filed 3–12–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: ER19–2276–004.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing: Compliance: Effective Date DER Telemetry for CSR to be effective 3/31/2021.
Filed Date: 3/9/21.
Accession Number: 20210309–5102.
Comments Due: 5 p.m. ET 3/30/21.

Docket Numbers: ER20–280–002.
Applicants: Skookumchuck Wind Energy Project, LLC.
Description: Skookumchuck Wind Energy Project, LLC submits Supplement to Notice of Change in Status.
Filed Date: 3/8/21.
Accession Number: 20210308–5144.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER20–287–005.
Applicants: CPV Fairview, LLC.
Description: Compliance filing: Reactive Service Rate Schedule Compliance Filing to be effective 1/7/2020.
Filed Date: 3/8/21.
Accession Number: 20210308–5250.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER20–707–002.
Applicants: Eastern Shore Solar LLC.
Description: Report Filing: Refund Report to be effective N/A.
Filed Date: 3/9/21.
Accession Number: 20210309–5095.
Comments Due: 5 p.m. ET 3/30/21.

Docket Numbers: ER20–1986–001; ER20–2064–002; ER20–1907–002; ER20–2237–002.
Applicants: Day County Wind I, LLC, High Majestic Wind I, LLC, Minco Wind I, LLC, Weatherford Wind, LLC.
Description: Supplement to January 28, 2021 Notice of Non-Material Change in Status of Day County Wind I, LLC, et al.
Filed Date: 3/9/21.
Accession Number: 20210309–5108.
Comments Due: 5 p.m. ET 3/30/21.

Docket Numbers: ER20–1987–003; ER20–2690–002; ER20–2648–002; ER20–2070–002.
Applicants: Cerro Gordo Wind, LLC, Jordan Creek Wind, LLC, Northern Divide Wind, LLC, Wheatridge Wind II, LLC.
Description: Supplement to January 27, 2021 Notice of Non-Material Change in Status of Cerro Gordo Wind, LLC, et al.
Filed Date: 3/8/21.
Accession Number: 20210308–5239.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER21–798–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: Amended Filing—Revisions to Modify Section 8.6.5 of Attachment AE to be effective 8/5/2021.
Filed Date: 3/9/21.
Accession Number: 20210309–5080.
Comments Due: 5 p.m. ET 3/30/21.

Docket Numbers: ER21–884–001.
Applicants: Ohio Power Company, American Electric Power Service Corporation, PJM Interconnection, L.L.C.
Description: Tariff Amendment: AEP submits Amendment in ER21–884 re: Four FAs to be effective 5/9/2021.
Filed Date: 3/9/21.
Accession Number: 20210309–5086.
Comments Due: 5 p.m. ET 3/30/21.

Docket Numbers: ER21–1300–000.
Applicants: El Paso Electric Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 349, Engineering Services Agreement with EDFR to be effective 3/10/2021.
Filed Date: 3/8/21.
Accession Number: 20210308–5243.
Comments Due: 5 p.m. ET 3/29/21.

Docket Numbers: ER21–1303–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: 2021–03–09_SA 2806 ATC-City of Oconomowoc 1st Rev CFA to be effective 5/9/2021.
Filed Date: 3/9/21.
Accession Number: 20210309–5101.
Comments Due: 5 p.m. ET 3/30/21.

Docket Numbers: ER21–1304–000.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2021–02–09 Reconciliation of Approved Tariff Language—Multiple Filings to be effective 3/3/2020.
Filed Date: 3/9/21.
Accession Number: 20210309–5114.
Comments Due: 5 p.m. ET 3/30/21.

Docket Numbers: ER21–1305–000.
Applicants: Michigan Public Power Agency.

Description: Annual Informational Attachment O filing of Michigan Public Power Agency.
Filed Date: 3/9/21.
Accession Number: 20210309–5120.
Comments Due: 5 p.m. ET 3/30/21.

Docket Numbers: ER21–1306–000.
Applicants: Grand Haven Board of Light and Power.
Description: Annual Informational Attachment O filing of Grand Haven Board of Light and Power.
Filed Date: 3/9/21.
Accession Number: 20210309–5124.
Comments Due: 5 p.m. ET 3/30/21.

Docket Numbers: ER21–1307–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: 2021–03–09_SA 2798 ATC-City of Menasha 1st Rev CFA to be effective 5/9/2021.
Filed Date: 3/9/21.
Accession Number: 20210309–5126.
Comments Due: 5 p.m. ET 3/30/21.

Docket Numbers: ER21–1308–000.
Applicants: Idaho Power Company.
Description: § 205(d) Rate Filing: SA 419 and 420—Conditional Firm PTP SA with PWX for LOLO–BORA to be effective 4/1/2021.
Filed Date: 3/9/21.
Accession Number: 20210309–5135.
Comments Due: 5 p.m. ET 3/30/21.

Take notice that the Commission received the following PURPA 210(m)(3) filings:

Docket Numbers: QM21–7–000.
Applicants: Wolverine Power Supply Cooperative, Inc.
Description: Application of Wolverine Power Supply Cooperative, Inc. to Terminate Its Mandatory Purchase Obligation under the Public Utility Regulatory Policies Act of 1978.
Filed Date: 3/9/21.
Accession Number: 20210309–5057.
Comments Due: 5 p.m. ET 4/6/21.

Docket Numbers: QM21–8–000.
Applicants: Duke Energy Indiana, LLC.
Description: Application of Duke Energy Indiana, LLC to Terminate Its Mandatory Purchase Obligation under the Public Utility Regulatory Policies Act of 1978.
Filed Date: 3/9/21.
Accession Number: 20210309–5092.
Comments Due: 5 p.m. ET 4/6/21.

Docket Numbers: QM21–9–000.
Applicants: Duke Energy Ohio, Inc., Duke Energy Kentucky, Inc.
Description: Application of Duke Energy Ohio, Inc., et al. to Terminate Its Mandatory Purchase Obligation under the Public Utility Regulatory Policies Act of 1978.
Filed Date: 3/9/21.
Accession Number: 20210309–5093.
Comments Due: 5 p.m. ET 4/6/21.

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 9, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–05277 Filed 3–12–21; 8:45 am]

BILLING CODE 6717–01–P

FARM CREDIT SYSTEM INSURANCE CORPORATION

Regular Meeting; Farm Credit System Insurance Corporation Board

AGENCY: Farm Credit System Insurance Corporation.

ACTION: Notice, regular meeting.

SUMMARY: Notice is hereby given, in accordance with the provisions of Article VI of the Bylaws of the Farm Credit System Insurance Corporation (FCSIC), of a forthcoming regular meeting of the Board that a regular meeting of the Board of Directors of FCSIC will be held.

DATES: March 18, 2021, at 10:00 a.m. EDT, until such time as the Board may conclude its business. *Note: Because of the COVID–19 pandemic, we will conduct the board meeting virtually. If you would like to observe the open portion of the virtual meeting, see instructions below for board meeting visitors.*

ADDRESSES: To observe the open portion of the virtual meeting, go to *FCSIC.gov,* select ''News & Events,'' then ''Board Meetings.'' There you will find a description of the meeting and ''Instructions for board meeting visitors.'' See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Dale Aultman, Secretary to the Board of the Farm Credit System Insurance Corporation, (703) 883–4009. TTY is (703) 883–4056.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public and parts will be closed. If you wish to observe the open portion, follow the instructions above in the **ADDRESSES** section at least 24 hours before the meeting.

Assistance: If you need assistance for accessibility reasons or if you have any questions, contact Dale Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are as follows:

A. *Approval of Minutes*
- January 28, 2021

B. Quarterly Business Reports
- *FCSIC Financial Reports*
- *Report on Insured Obligations*
- *Report on Annual Performance*

C. *New Business*
- Policy Statement—Alternative Means of Dispute Resolution
- Report on Investment Portfolio
- Presentation of 2020 Audit Results

D. *Closed Session*
- Report on Insurance Risk

E. *Closed Session—Audit Committee*
- Executive Session of the FCSIC Board Audit Committee with the External Auditor

Dated: March 9, 2021.

Dale Aultman,

Secretary, Farm Credit System Insurance Corporation.

[FR Doc. 2021–05229 Filed 3–12–21; 8:45 am]

BILLING CODE 6705–01–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 Atlanta (Kathryn Haney, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Axxess Partners, Inc., Baton Rouge, Louisiana;* to become a bank holding company by acquiring Delta Bancshares of Louisiana, Inc., and its wholly owned subsidiary, Commerce Community Bank, both of Oak Grove, Louisiana.

B. 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. *Stock Yards Bancorp, Inc., Louisville, Kentucky;* to merge with Kentucky Bancshares, Inc., and thereby indirectly acquire Kentucky Bank, both of Paris, Kentucky.

Board of Governors of the Federal Reserve System, March 9, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–05225 Filed 3–12–21; 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 29, 2021.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org*:

1. *Patriot Financial Partners, GP III, L.P., Patriot Financial Partners III, L.P., Patriot Financial Partners, GP III, LLC, Patriot Financial Advisors, L.P., Patriot Financial Advisors, LLC., W. Kirk Wycoff, James J. Lynch and James F. Deutsch, all of Radnor, Pennsylvania;* as a group acting in concert to acquire voting shares of Volunteer Bancorp, Inc., and thereby indirectly acquire voting shares of Civis Bank, both of Rogersville, Tennessee.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Michael Plate, Alma, Nebraska, individually and as trustee of The Banner County Ban Corp Employee Stock Ownership Plan and Trust;* to acquire voting shares of Banner County Ban Corporation and thereby indirectly acquire Banner Capital Bank, all of Harrisburg, Nebraska. *Additionally, Rebecca Plate, Ogallala, Nebraska;* to retain voting shares of Banner County Ban Corporation and thereby indirectly retain voting shares of Banner Capital Bank; and both to join the Olsen/Wynne/Plate Control Group, a group acting in concert.

Board of Governors of the Federal Reserve System, March 9, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–05228 Filed 3–12–21; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–MA–2021–01; Docket No. 2021–0002; Sequence No. 3]

Relocation Allowances—Waiver of Certain Federal Travel Regulation (FTR) Provisions During the COVID–19 Pandemic

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice of GSA Bulletin FTR 21–04, Waiver of certain Federal Travel Regulation (FTR) provisions during the Coronavirus Disease 2019 (COVID–19) pandemic.

SUMMARY: This GSA Bulletin FTR 21–04 informs agencies that certain provisions of the FTR governing official relocation travel and renewal agreement travel (RAT) may continue to be temporarily waived for the period of time stated in the bulletin. This bulletin also rescinds prior GSA Bulletins pertaining to relocation allowances during the pandemic.

DATES: *Applicability Date:* This notice is retroactively effective for official relocation travel performed after March 13, 2019, one year prior to the date of the Presidential national emergency proclamation concerning COVID–19.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Miller, Senior Policy Analyst, Office of Government-wide Policy, Office of Asset and Transportation Management, at 202–501–3822, or *travelpolicy@gsa.gov.* Please cite Notice of GSA Bulletin FTR 21–04.

SUPPLEMENTARY INFORMATION:

Background: Federal agencies authorize relocation entitlements to those individuals listed at FTR § 302–1.1 and those assigned under the Government Employees Training Act (GETA) (5 U.S.C. Chapter 41). Since the Presidential national emergency proclamation issued March 13, 2020 concerning COVID–19, the pandemic has resulted in various travel-related disruptions to relocating employees.

Accordingly, GSA issued Bulletins FTR 20–06 (published at 85 FR 23029, on April 24, 2020) and FTR 21–02 (published at 85 FR 59311, on September 21, 2020), to allow agencies to determine whether to implement

waivers of time limits established by the FTR for completion of all aspects of relocation, temporary storage of household goods (HHG) shipments, house hunting trips (HHT), and time remaining in a second tour of duty upon return from renewal agreement travel (RAT), as set forth in the bulletins. The aforementioned bulletins, and the waiver provisions therein, were set to expire on March 13, 2021.

Given that the COVID–19 outbreak has continued to produce uncertainty and create difficulties for relocating individuals, GSA has decided to extend these waivers by rescinding Bulletins FTR 20–06 and FTR 21–02 and re-establishing the information therein by issuance of this new GSA Bulletin FTR 21–04 with a later expiration date. This GSA Bulletin FTR 21–04 can be viewed at *https://www.gsa.gov/ftrbulletins.*

Krystal J. Brumfield,

Associate Administrator, Office of Government-wide Policy.

[FR Doc. 2021–05257 Filed 3–12–21; 8:45 am]

BILLING CODE 6820–14–P

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

Request for Information on the Use of Clinical Algorithms That Have the Potential To Introduce Racial/Ethnic Bias Into Healthcare Delivery; Correction

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice; correction.

SUMMARY: The Agency for Healthcare Research and Quality published a document in the **Federal Register** of March 5, 2021, concerning request for information on the Use of Clinical Algorithms That Have the Potential To Introduce Racial/Ethnic Bias Into Healthcare Delivery. The document was missing a URL link to the Effective Health Care website.

FOR FURTHER INFORMATION CONTACT: Anjali Jain, 301–427–1630.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of March 5, 2021, in FR Doc. 2021–04509, on page 12948, in the first column, correct the **ADDRESSES** caption to read:

ADDRESSES: Submissions should follow the Submission Instructions below. We prefer that comments be submitted electronically on the Effective Health Care website at *https://effectivehealthcare.ahrq.gov/products/algorithms-bias-healthcare-delivery/request-info.* Email submissions may also be sent to: *epc@ahrq.gov.*

Dated: March 10, 2021.

Marquita Cullom,

Associate Director.

[FR Doc. 2021–05281 Filed 3–12–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHAC); Correction

Notice is hereby given of a change in the meeting of the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHACHSPT); April 12, 2021, from 3:00 p.m. to 5:00 p.m., EDT, in the original FRN.

The web conference meeting was published in the **Federal Register** on February 26, 2021, Volume 86, Number 37, page 11777.

The web conference meeting is being corrected to update the summary and contact information and should read as follows: This meeting is open to the public.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC and the Health Resources and Services Administration (HRSA), announces the following meeting for the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHACHSPT). This business meeting is open to the public, limited only by audio and web conference lines (1000 audio and web conference lines are available). The public is welcome to listen to the meeting by accessing the telephone number 1–669–254–5252, and the passcode is 55572151 (1000 lines are available). The web conference access is *https://cdc.zoomgov.com/j/1606419940?pwd=V2krVkVXbGtvVFdLbXV3N25PbTV4UT09,* webinar ID: 160 641 9940 and passcode: ZeTt@2VL. Due to the nature and time limitations of the meeting, members of the public will not have an opportunity to provide oral comments, although written comments may be submitted prior to the meeting, or up to 10 business days after the meeting, to Staci Morris at *smorris4@cdc.gov.*

FOR FURTHER INFORMATION CONTACT: Staci Morris, MS, Public Health Advisor, Office of Policy, Planning and Partnerships, National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, CDC, 1600 Clifton Road NE, Atlanta, GA 30329–4027, Telephone (404) 718–7479; *smorris4@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–05217 Filed 3–12–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Lead Exposure and Prevention Advisory Committee (LEPAC)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Lead Exposure and Prevention Advisory Committee (LEPAC). This meeting is open to the public by teleconference but advance registration by April 30, 2021, is needed to receive the information to join the meeting. The registration link is *https://rossstrategic.zoom.us/webinar/register/WN_1vfWQt1_TdSOj1Laoo8bIw.*

DATES: The meeting will be held on May 14, 2021, from 9:00 a.m. to 4:30 p.m., EDT.

ADDRESSES: Register in advance at *https://rossstrategic.zoom.us/webinar/register/WN_1vfWQt1_TdSOj1Laoo8bIw* to receive information to join the meeting.

FOR FURTHER INFORMATION CONTACT: Ms. Perri Ruckart, Dr. P.H. (candidate), M.P.H., Designated Federal Officer, National Center for Environmental Health, CDC, 4770 Buford Highway, Atlanta, GA 30341, Telephone: (770) 488–3300; *PRuckart@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The Lead Exposure and Prevention Advisory Committee was established under Section 2203 of Public Law 114–322, the Water

Infrastructure Improvements for the Nation Act; 42 U.S.C. 300j–27, Registry for Lead Exposure and Advisory Committee. The Secretary, Department of Health and Human Services (HHS) and by delegation, the Director, CDC and Administrator, NCEH/ATSDR, are authorized under Section 2203 of Public Law 114–322 (42 U.S.C. 300j–27) to review research and Federal programs and services related to lead poisoning and to identify effective services and best practices for addressing and preventing lead exposure in communities.

The LEPAC is charged with providing advice and guidance to the Secretary, HHS, and the Director, CDC and Administrator, ATSDR, on (1) reviewing Federal programs and services available to individual communities exposed to lead; (2) reviewing current research on lead exposure to identify additional research needs; (3) reviewing and identifying best practices, or the need for best practices regarding lead screening and the prevention of lead poisoning; (4) identifying effective services, including services relating to healthcare, education, and nutrition for individuals and communities affected by lead exposure and lead poisoning, including in consultation with, as appropriate, the lead exposure registry as established in Section 2203 (b) of Public Law 114–322; and (5) undertaking any other review or activities that the Secretary determines to be appropriate.

Matters To Be Considered: The agenda will include discussions on the Federal Lead Action Plan, American Healthy Homes Survey II, a 40-Year National Health and Nutritional Examination Survey (NHANES) Analysis of lead data, the Blood Lead Reference Value (BLRV) Workgroup, and the 2020 Annual LEPAC Report. Agenda items are subject to change as priorities dictate.

Public Participation

Procedure for Oral Public Comment: The public comment period is scheduled on May 14, 2021, from 11:45 a.m. until 12:00 p.m. Individuals wishing to make a comment during the public comment period, please email your name, organization, and phone number by April 30, 2021, to *LEPAC@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–05218 Filed 3–12–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2021–0025]

Advisory Committee on Immunization Practices (ACIP)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting and request for comment.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC), announces the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting is open to the public. Time will be available for public comment.

DATES: The meeting will be held on May 5, 2021, from 11:00 a.m. to 5:00 p.m., EDT (times subject to change). Written comments must be received on or before May 5, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2020–0025 by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H24–8, Atlanta, GA 30329–4027, Attn: May ACIP Meeting.

Instructions: All submissions received must include the Agency name and Docket Number. All relevant comments received in conformance with the *https://www.regulations.gov* suitability policy will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.*

Written public comments submitted 72 hours prior to the ACIP meeting will be provided to ACIP members before the meeting.

FOR FURTHER INFORMATION CONTACT: Stephanie Thomas, ACIP Committee Management Specialist, Centers for Disease Control and Prevention, National Center for Immunization and Respiratory Diseases, 1600 Clifton Road NE, MS–H24–8, Atlanta, GA 30329–4027; Telephone: 404–639–8367; Email: *ACIP@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The committee is charged with advising the Director, CDC, on the use of immunizing agents. In addition, under 42 U.S.C. 1396s, the committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children (VFC) program, along with schedules regarding dosing interval, dosage, and contraindications to administration of vaccines. Further, under provisions of the Affordable Care Act, section 2713 of the Public Health Service Act, immunization recommendations of the ACIP that have been approved by the Director of the Centers for Disease Control and Prevention and appear on CDC immunization schedules must be covered by applicable health plans.

Matters To Be Considered: The agenda will include discussions on dengue vaccine and rabies vaccines. No recommendation votes are scheduled. Agenda items are subject to change as priorities dictate. For more information on the meeting agenda visit *https://www.cdc.gov/vaccines/acip/meetings/meetings-info.html.*

Meeting Information: The meeting will be webcast live via the World Wide Web; for more information on ACIP please visit the ACIP website: *http://www.cdc.gov/vaccines/acip/index.html.*

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data. Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail

campaign. CDC will carefully consider all comments submitted into the docket.

Written Public Comment: Written comments must be received on or before May 5, 2021.

Oral Public Comment: This meeting will include time for members of the public to make an oral comment. Oral public comment will occur before any scheduled votes including all votes relevant to the ACIP's Affordable Care Act and Vaccines for Children Program roles. Priority will be given to individuals who submit a request to make an oral public comment before the meeting according to the procedures below.

Procedure for Oral Public Comment: All persons interested in making an oral public comment at the May ACIP meeting must submit a request at *http://www.cdc.gov/vaccines/acip/meetings/* no later than 11:59 p.m., EDT, April 30, 2021, according to the instructions provided.

If the number of persons requesting to speak is greater than can be reasonably accommodated during the scheduled time, CDC will conduct a lottery to determine the speakers for the scheduled public comment session. CDC staff will notify individuals regarding their request to speak by email by May 3, 2021. To accommodate the significant interest in participation in the oral public comment session of ACIP meetings, each speaker will be limited to 3 minutes, and each speaker may only speak once per meeting.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–05216 Filed 3–12–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–4195–FN]

Medicare Program; Approved Renewal of Deeming Authority of the National Committee for Quality Assurance for Medicare Advantage Health Maintenance Organizations and Preferred Provider Organizations

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final notice.

SUMMARY: This final notice announces our decision to renew the Medicare Advantage ''deeming authority'' of the National Committee for Quality Assurance (NCQA) for health maintenance organizations and preferred provider organizations for a term of 6 years.

DATES: The decision announced in this final notice is effective December 30, 2020 through December 30, 2026.

FOR FURTHER INFORMATION CONTACT: Greg McDonald, (410) 786–8941.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services through a Medicare Advantage (MA) organization that contracts with CMS. The regulations specifying the Medicare requirements that must be met for a Medicare Advantage Organization (MAO) to enter into a contract with CMS are located at 42 CFR part 422.These regulations implement Part C of Title XVIII of the Social Security Act (the Act), which specifies the services that an MAO must provide and the requirements that the organization must meet to be an MA contractor. Other relevant sections of the Act are Parts A and B of Title XVIII and Part A of Title XI pertaining to the provision of services by Medicare certified providers and suppliers. Generally, for an entity to be an MA organization, the organization must be licensed by the state as a risk bearing organization, as set forth in 42 CFR part 422.

As a method of assuring compliance with certain Medicare requirements, an MA organization may choose to become accredited by a CMS-approved accrediting organization (AO). By virtue of its accreditation by a CMS-approved AO, the MA organization may be ''deemed'' compliant in one or more requirements set forth in section 1852(e)(4)(B) of the Act. For CMS to recognize an AO's accreditation program as establishing an MA plan's compliance with our requirements, the AO must prove to CMS that its standards are at least as stringent as Medicare requirements for MA organizations. MA organizations that are licensed as health maintenance organizations (HMOs) or preferred provider organizations (PPOs) and are accredited by an approved accrediting organization may receive, at their request, deemed status for CMS requirements with respect to the deemable areas. At this time, recognition of accreditation does not include the Part D areas of review set out at 42 CFR 423.165(b). AOs that apply for MA deeming authority are generally recognized by the health care industry as entities that accredit HMOs and PPOs. As we specify at § 422.157(b)(2)(ii), the term for which an AO may be approved by CMS may not exceed 6 years. For continuing approval, the AO must apply to CMS to renew their deeming authority for a subsequent approval period.

The National Committee for Quality Assurance (NCQA) was last approved as a CMS-approved accreditation organization for MA deeming of HMOs and PPOs for a 6-year term beginning on October 19, 2014, and that term lapsed on October 18, 2020, prior to our decision on its renewal application. NCQA did not accredit or re-accredit any HMOs or PPOs for MA deeming between that date and December 30, 2020, the effective date of its re-approval. On May 22, 2020, NCQA submitted an application to renew its deeming authority. On that same date, NCQA submitted materials requested by CMS that included information intended to address the requirements set out at § 422.158(a) and (b) that are prerequisites for receiving approval of its accreditation program from CMS. CMS subsequently requested that additional materials and revisions be submitted by NCQA to satisfy these requirements. NCQA submitted all the necessary materials to enable us to make a determination concerning its request for approval as an accreditation organization, and the renewal application was determined to be complete on August 28, 2020.

II. Provisions of the Proposed Notice

In the November 9, 2020 **Federal Register** (85 FR 71346), we published a proposed notice announcing NCQA's request to renew its Medicare Advantage deeming authority for HMOs and PPOs. In the November 9, 2020 proposed notice, we detailed our evaluation criteria. Under section

1852(e)(4) of the Act and § 422.158 (Federal review of accrediting organizations), we conducted a review of NCQA's application in accordance with the criteria specified by our regulations which include, but are not limited to the following:

• The types of MA plans that it would review as part of its accreditation process.

• A detailed comparison of the AO's accreditation requirements and standards with the Medicare requirements (for example, a crosswalk) in the following 5 areas: Quality Improvement, Anti-Discrimination, Confidentiality and Accuracy of Enrollee Records, Information on Advance Directives, and Provider Participation Rules.

• Detailed information about the organization's survey process, including—

++ Frequency of surveys and whether surveys are announced or unannounced.

++ Copies of survey forms, and guidelines and instructions to surveyors.

++ Descriptions of—

— The survey review process and the accreditation status decision making process;

— The procedures used to notify accredited MA organizations of deficiencies and to monitor the correction of those deficiencies; and

— The procedures used to enforce compliance with accreditation requirements.

• Detailed information about the individuals who perform surveys for the accreditation organization, including—

++ The size and composition of accreditation survey teams for each type of plan reviewed as part of the accreditation process;

++ The education and experience requirements surveyors must meet;

++ The content and frequency of the in-service training provided to survey personnel;

++ The evaluation systems used to monitor the performance of individual surveyors and survey teams; and

++ The organization's policies and practice with respect to the participation, in surveys or in the accreditation decision process, by an individual who is professionally or financially affiliated with the entity being surveyed.

• A description of the organization's data management and analysis system with respect to its surveys and accreditation decisions, including the kinds of reports, tables, and other displays generated by that system.

• A description of the organization's procedures for responding to and investigating complaints against accredited organizations, including policies and procedures regarding coordination of these activities with appropriate licensing bodies and ombudsmen programs.

• A description of the organization's policies and procedures with respect to the withholding or removal of accreditation for failure to meet the accreditation organization's standards or requirements, and other actions the organization takes in response to noncompliance with its standards and requirements.

• A description of all types (for example, full, partial) and categories (for example, provisional, conditional, temporary) of accreditation offered by the organization, the duration of each type and category of accreditation and a statement identifying the types and categories that would serve as a basis for accreditation if CMS approves the accreditation organization.

• A list of all currently accredited MA organizations and the type, category, and expiration date of the accreditation held by each of them.

• A list of all full and partial accreditation surveys scheduled to be performed by the accreditation organization.

• The name and address of each person with an ownership or control interest in the accreditation organization.

• CMS also considers NCQA's past performance in the deeming program and results of recent deeming validation reviews or look-behind audits conducted as part of continuing federal oversight of the deeming program under § 422.157(d).

In accordance with section 1865(a)(3)(A) of the Act, the November 9, 2020 proposed notice (85 FR 71346) also solicited public comments regarding whether NCQA's requirements met or exceeded the Medicare conditions of participation as an accrediting organization for MA HMOs and PPOs.

III. Analysis of and Responses to Public Comments on the Proposed Notice

We received one public comment which is outside the scope of the MA deeming application renewal process.

IV. Provisions of the Final Notice

A. Differences Between NCQA's Standards and Requirements for Accreditation and Medicare's Conditions and Survey Requirements

We compared the standards and survey process contained in NCQA's application with the Medicare conditions for accreditation. Our review and evaluation of NCQA's application for continued CMS approval were conducted as described in section II. of this final notice, and yielded the following:

• Pursuant to § 422.158(a)(2), NCQA amended its crosswalk and standards to ensure current NCQA standards are clearly cross-walked to our regulations in each of five deemable areas: Quality Improvement, Anti-discrimination, Confidentiality and Accuracy of Enrollee Records, Information on Advance Directives, and Provider Participation Rules.

• NCQA submitted additional information and/or documentation regarding its survey process that was intended to address our regulations at §§ 422.158(a)(1), (a)(3)(i), (a)(3)(ii), (a)(3)(iii)(A) through (C), (a)(4)(iii), (a)(6) through (11), and (b)(1) and (2).

B. Term of Approval

Based on the review and observations described in section II. of this final notice, we have determined that NCQA's accreditation program requirements meet or exceed our requirements. Therefore, we approved NCQA as a national accreditation organization with deeming authority for MA HMOs and PPOs on December 30, 2020 for a term of approval to continue through December 30, 2026. We informed NCQA of their renewal via a letter from CMS dated December 30, 2020.

V. Collection of Information Requirements

This notice announces the new term of approval for NCQA. Since it does not impose information collection requirements, that is, reporting, recordkeeping or third party disclosure requirements, 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.*).

VI. Regulatory Impact Statement

In accordance with the provisions of Executive Order 12866, this regulation was not reviewed by the Office of Management and Budget.

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 10, 2021.

Lynette Wilson,

Federal Register Liaison, Department of Health and Human Services.

[FR Doc. 2021–05322 Filed 3–12–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Engineered Tumor Infiltrating Lymphocytes for Cancer Therapy; Correction

AGENCY: National Institutes of Health, HHS.

ACTION: Notice; correction.

SUMMARY: The Department of Health and Human Services, National Institutes of Health published a Notice in the **Federal Register** on February 25, 2021. That Notice requires a correction in the **SUPPLEMENTARY INFORMATION** section.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of February 25, 2021, in FR Doc. 2021–03873, on page 11548, as found within the **SUPPLEMENTARY INFORMATION** section, correct to read:

The use of the Licensed Patent Rights to develop, manufacture, distribute, sell, and use autologous tumor infiltrating lymphocyte (TIL) adoptive cell therapy products for the treatment of metastatic melanoma, lung, breast, bladder, and HPV-positive cancers. Specifically excluded from this Agreement are cell therapy products involving TIL genetically modified for reactivity against cancer-specific mutations or TIL selected for reactivity against cancer-specific mutations, unless such cell therapy products are a combination of unselected, unmodified TIL therapy with the Licensee's proprietary technologies or the Licensee's in-licensed technologies.

The field of use described in the Notice was found to be incorrect. The correction addresses this discrepancy by accurately stating the field of use which the NIH intends to grant to Iovance Biotherapeutics, Inc for the disclosed federally owned invention.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Andrew Burke, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, Telephone: (240)–276–5484; Email: *andy.burke@nih.gov.*

Dated: March 9, 2021.

Daniel R Hernandez,

Federal Register Officer, National Institutes of Health.

[FR Doc. 2021–05272 Filed 3–12–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Development, Production, and Commercialization of Ebola Neutralizing Single Monoclonal Antibody for the Treatment of Ebola Virus Disease in Humans

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institute of Allergy and Infectious Diseases, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the U.S. and European Patents and Patent Applications listed in the Supplementary Information section of this Notice to Ridgeback Biotherapeutics, L.P., located in Miami, Florida.

DATES: Only written comments and/or applications for a license which are received by the National Institute of Allergy and Infectious Diseases' Technology Transfer and Intellectual Property Office on or before March 30, 2021 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Daniel Lee, J.D., Technology Transfer and Patent Specialist, National Institute of Allergy and Infectious Diseases Technology Transfer and Intellectual Property Office by email (*daniel.lee5@nih.gov*) or phone (301–761–6327).

SUPPLEMENTARY INFORMATION:

Intellectual Property

E–045–2015: Neutralizing Antibodies to Ebolavirus Glycoprotein and Their Use

1. United States Provisional Patent Application No. 62/087,087, filed 3 December 2014 (HHS Reference No. E–045–2015–0–US–01);

2. International Patent Application No. PCT/US2015/060733, filed 13 November 2015 (HHS Reference No. E–045–2015–0–PCT–02);

3. European Patent Application No. 15797815.6, filed 13 November 2015 (HHS Reference No. E–045–2015–0–EP–03); and

4. United States Patent No. 10,273,288, issued 30 April 2019 (HHS Reference No. E–045–2015–0–US–05).

The patent and patent application rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide and the fields of use may be limited to the following: Development, production, and commercialization of Ebola neutralizing monoclonal antibody mAb114, as a single antibody not in combination with other monoclonal antibodies, for the treatment of Ebola virus disease in humans.

This technology discloses the discovery, isolation, production, and advancement in the development of recombinant neutralizing antibodies specific to the Ebola virus glycoprotein, varying Ebola virus glycoprotein recognition profiles, and increasing neutralization potency for a therapeutic in a patient diagnosed with Ebola virus.

This Notice is made in accordance with 35 U.S.C. 209 and 37 CFR 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published Notice, the National Institute of Allergy and Infectious Diseases receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.

Complete applications for a license in the prospective field of use that are timely filed in response to this notice will be treated as objections to the grant of the contemplated exclusive patent commercialization license. In response to this notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available. License applications submitted in response to this notice will be presumed to contain business confidential information. and any release of information from these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 26, 2021.

Surekha Vathyam,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2021–05235 Filed 3–12–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0179]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0128

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0128, Prospect Questionnaire, Chat Now Questionnaire, and the Officer Program Application; without change.

Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 14, 2021.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2021–0179] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2021–0179], and must be received by May 14, 2021.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

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

Information Collection Request

Title: Prospect Questionnaire, Chat Now Questionnaire, and the Officer Program Application.

OMB Control Number: 1625–0128.

Summary: This collection contains the recruiting website *gocoastguard.com* Prospect Questionnaire (CGRC–1130), Chat Now Questionnaire (CGRC–1132), and the Officer Program Application (CGRC–1131) that are used to screen active duty, reserve, enlisted, and officer applicants.

Need: The information is needed to initiate the recruiting and commissioning of active duty, reserve, enlisted, and officer members. 14 U.S.C. 2701 authorizes the United States Coast Guard to recruit personnel for military service. The information requested on the *gocoastguard.com* website is collected in accordance with Section 503 of Title 10 U.S.C. and may be used to identify and process individuals interested in applying for enlistment or commission into the United States Coast Guard or Coast Guard Reserve.

Forms: Online Application plus hard copy of the Prospect Questionnaire (CGRC–1130), and/or the Officer Program Application (CGRC–1131) if a prospect does not use *gocoastguard.com,* but contacts a recruiter directly.

Respondents: Approximately 50,000 applicants apply annually to initiate the screening process.

Frequency: Applicants may apply more than once, by initially completing the Chat Now Questionnaire (CGRC–1132) to answer questions on eligibility and may apply for both enlisted and officer programs through the Prospect Questionnaire (CGRC–1130) and/or Officer Program Application (CGRC–1131).

Hour Burden Estimate: The estimated burden remains 97,686 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: March 9, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–05265 Filed 3–12–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0182]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0093

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0093, Facilities Transferring Oil or Hazardous Materials in Bulk—Letter of Intent and Operations Manual; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 14, 2021.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2021–0182] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2021–0182], and must be received by May 14, 2021.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

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

Information Collection Request

Title: Facilities Transferring Oil or Hazardous Materials in Bulk—Letter of Intent and Operations Manual.

OMB Control Number: 1625–0093.

Summary: A Letter of Intent is a notice to the Coast Guard Captain of the Port that an operator intends to operate a facility that will transfer bulk oil or hazardous materials to or from vessels. An Operations Manual (OM) is also required for this type of facility. The OM establishes procedures to follow when conducting transfers and in the event of a spill.

Need: Under 33 U.S.C. 1321 and Executive Order 12777 the Coast Guard is authorized to prescribe regulations to prevent the discharge of oil and hazardous substances from facilities and to contain such discharges. The Letter of Intent regulation is contained in 33 CFR 154.110 and the OM regulations are contained in 33 CFR part 154 subpart B.

Forms: None.

Respondents: Operators of facilities that transfer oil or hazardous materials in bulk.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 21,803 hours to 37,609 hours a year, due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: March 9, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–05260 Filed 3–12–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0178]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0020

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information:

1625–0020, Security Zones, Regulated Navigation Areas, and Safety Zones; without change.

Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before May 14, 2021.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2021–0178] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2021–0178], and must be received by May 14, 2021.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

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

Information Collection Request

Title: Security Zones, Regulated Navigation Areas, and Safety Zones.

OMB Control Number: 1625–0020.

Summary: The Coast Guard collects this information only when someone seeks a security zone, regulated navigation area, or safety zone. It uses the information to assess the need to establish one of these areas.

Need: Section 70034 and 70051 of 46 U.S.C., and parts 6 and 165 of 33 CFR give the Coast Guard Captain of the Port (COTP) the authority to designate security zones in the U.S. for as long as the COTP deems necessary to prevent damage or injury. Section 70001 of 46 U.S.C. authorizes the Coast Guard to prescribe rules to control vessel traffic in areas he or she deems hazardous because of reduced visibility, adverse weather, or vessel congestion. Section 70011 of 46 U.S.C. authorizes the Coast Guard to establish rules to allow the designation of safety zones where access is limited to authorized persons, vehicles, or vessels to protect the public from hazardous situations.

Forms: None.

Respondents: Federal, State, and local government agencies, owners and operators of vessels and facilities.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 224 hours to 928 hours a year, due to an increase in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: March 9, 2021.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2021–05259 Filed 3–12–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2021–0041]

Recertification of Prince William Sound Regional Citizens' Advisory Council

AGENCY: Coast Guard, DHS.

ACTION: Notice of recertification.

SUMMARY: The Coast Guard announces the recertification of the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) as an alternative voluntary advisory group for Prince William Sound, Alaska. This certification allows the PWSRCAC to monitor the activities of terminal facilities and crude oil tankers under an alternative composition, other than prescribed, the Prince William Sound Program established by the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990.

DATES: This recertification is effective for the period from March 1, 2021 through February 28, 2022.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email LT Ian McPhillips, Seventeenth Coast Guard District (dpi), by phone at (907) 463–2809 or email at *Ian.P.McPhillips@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Coast Guard published guidelines on December 31, 1992 (57 FR 62600), to assist groups seeking recertification under the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (33 U.S.C. 2732) (the Act). The Coast Guard issued a policy statement on July 7, 1993 (58 FR

36504), to clarify the factors that the Coast Guard would be considering in making its determination as to whether advisory groups should be certified in accordance with the Act, and the procedures which the Coast Guard would follow in meeting its certification responsibilities under the Act. Most recently, on September 16, 2002 (67 FR 58440), the Coast Guard changed its policy on recertification procedures for regional citizen's advisory council by requiring applicants to provide comprehensive information every three years. For each of the two years between the triennial application procedures, applicants submit a letter requesting recertification that includes a description of any substantive changes to the information provided at the previous triennial recertification. Further, public comment is only solicited during the triennial comprehensive review.

The Alyeska Pipeline Service Company pays the PWSRCAC $3.7 million annually in the form of a long-term contract. In return for this funding, the PWSRCAC must annually show that it ''fosters the goals and purposes'' of OPA 90 and is ''broadly representative of the communities and interests in the vicinity of the terminal facilities and Prince William Sound.'' The PWSRCAC is an independent, nonprofit organization founded in 1989. Though it receives federal oversight like many independent, nonprofit organizations, it is not a federal agency. The PWSRCAC is a local organization that predates the passage of OPA 90. The existence of the PWSRCAC was specifically recognized in OPA 90 where it is defined as an ''alternative voluntary advisory group.'' Alyeska Pipeline Service Company funds the PWSRCAC, and the Coast Guard ensures the PWSRCAC operates in a fashion that is broadly consistent with OPA 90.

Recertification

By letter dated February 16, 2021, the Commander, Seventeenth Coast Guard District, certified that the PWSRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on February 28, 2022.

Dated: February 17, 2021.

Matthew T. Bell, Jr.,

Rear Admiral, U.S. Coast Guard, Commander, Seventeenth Coast Guard District.

[FR Doc. 2021–05283 Filed 3–12–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2021–0010; OMB No. 1660–0039]

Agency Information Collection Activities: Proposed Collection; Comment Request; National Fire Academy Long-Term Evaluation Form for Supervisors and National Fire Academy Long-Term Evaluation Form for Students/Trainees

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 60-Day notice of extension and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on an extension, without change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the long-term evaluation forms used to evaluate all National Fire Academy training.

DATES: Comments must be submitted on or before May 14, 2021.

ADDRESSES: To avoid duplicate submissions to the docket, please submit comments at *www.regulations.gov* under Docket ID FEMA–2021–0010. Follow the instructions for submitting comments.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy and Security Notice that is available via a link on the homepage of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dawn Long, Statistician, FEMA, National Fire Academy at (301) 447–1488. You may contact the Information Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The National Fire Academy (NFA) is mandated under the Fire Prevention and Control Act of 1974 (Pub. L. 93–498) to provide training and education to the Nation's fire service and emergency service personnel. The state-of-the-art programs offered by the NFA serve as models of excellence and State and local fire service agencies rely heavily on the curriculum to train their personnel. To maintain the quality of these training programs, it is critical that courses be evaluated after students have had the opportunity to apply the knowledge and skills gained from their training. Information collected from the evaluation forms enables the U.S. Fire Administration (USFA) and NFA staff to monitor and recommend changes in course materials, individual subject selection criteria, and to make curriculum-wide reviews and assessments.

Collection of Information

Title: National Fire Academy Long-Term Evaluation Form for Supervisors and National Fire Academy Long-Term Evaluation Form for Students/Trainees.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0039.

FEMA Forms: FEMA Form 078–0–2, National Fire Academy Long-Term Evaluation Form for Supervisors; FEMA Form 078–0–2A, National Fire Academy Long-Term Evaluation Form for Students/Trainees.

Abstract: The National Fire Academy Long-Term Evaluation Forms will be used to evaluate all National Fire Academy (NFA) on-campus resident training courses. Course graduates and their supervisors will be asked to evaluate the impact of the training on both individual job performance and the performance of the fire and emergency response department where the student works. The data provided by students and supervisors is used to update existing NFA course materials and to develop new courses that reflect the emerging issues and needs of the Nation's fire service.

Affected Public: State, Local or Tribal Government.

Estimated Number of Respondents: 3,000.

Estimated Number of Responses: 3,000.

Estimated Total Annual Burden Hours: 405 hours.

Estimated Total Annual Respondent Cost: $20,261.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $46,643.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Millicent L. Brown,

Senior Manager, Records Management Branch, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2021–05299 Filed 3–12–21; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0079]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for Replacement/Initial Nonimmigrant Arrival-Departure Document

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 14, 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–2007–0011. All submissions received must include the OMB Control Number 1615–0079 in the body of the letter, the agency name and Docket ID USCIS–2007–0011.

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 October 30, 2020, at 85 FR 68908, allowing for a 60-day public comment period. USCIS did/did not receive any 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–2007–0011 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:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Replacement/Initial Nonimmigrant Arrival-Departure Document.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–102; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Nonimmigrants temporarily residing in the United States can use this form to request a replacement of a lost, stolen, or mutilated arrival/departure record, or to request a new arrival-departure record, if one was not issued when the nonimmigrant was last admitted but is now in need of such a record. U.S. Citizenship and Immigration Services (USCIS) uses the information provided by the requester to verify eligibility, as well as his or her status, process the request, and issue a new or replacement arrival-departure record. If the application is approved, USCIS will issue an Arrival-Departure Record.

(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–102 is 4,100 and the

estimated hour burden per response is .75 hours.

(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 3,075 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 $1,182,440.

Dated: March 9, 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. 2021–05289 Filed 3–12–21; 8:45 am]

BILLING CODE 9111–97–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain LED Landscape Lighting Devices and Components Thereof, DN 3537;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Wangs Alliance Corporation d/b/a WAC Lighting on March 9, 2021. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain LED landscape lighting devices and components thereof. The complainant names as respondents: CAST Lighting LLC of Hawthorne, NJ; Shenzhen Wanjia Lighting Co., Ltd. d/b/a WONKA of China; cBright Lighting, Inc. of San Leandro, CA; Dauer Manufacturing Corp. of Medley, FL; FUSA Corp. of Medley, FL; Lumien Enterprise, Inc. d/b/a Lumien Lighting of Acworth, GA; and Jiangsu Sur Lighting Co., Ltd. of China. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3537'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 9, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–05245 Filed 3–12–21; 8:45 am]

BILLING CODE 7020–02–P

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–640, 731–TA–1480 and 731–TA–1484 (Final)]

Common Alloy Aluminum Sheet From Brazil, Greece, and Korea; Termination of Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: On March 8, 2021, the Department of Commerce published notices in the **Federal Register** of a negative final determination of subsidies in connection with the subject investigation concerning Brazil (86 FR 13289) and negative final determinations of sales at less-than-fair-value in connection with the subject investigations concerning Greece and Korea (86 FR 13300, 86 FR 13307). Accordingly, the countervailing duty investigation concerning common alloy aluminum sheet from Brazil (Investigation No. 701–TA–640 (Final)), the antidumping duty investigation concerning common alloy aluminum sheet from Greece (Investigation No. 731–TA–1480 (Final)), and the antidumping duty investigation concerning common alloy aluminum sheet from Korea (Investigation No. 731–TA–1484 (Final)) are terminated.

DATES: March 8, 2021.

FOR FURTHER INFORMATION CONTACT: Stamen Borisson (202–205–3125), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

Authority: These investigations are being terminated under authority of title VII of the Tariff Act of 1930 and pursuant to section 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)). This notice is published pursuant to section 201.10 of the Commission's rules (19 CFR 201.10).

By order of the Commission.

Issued: March 10, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–05280 Filed 3–12–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–656 and 731–TA–1533 (Final)]

Metal Lockers From China; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–656 and 731–TA–1533 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of metal lockers from China, provided for in subheadings 9403.20.00 and 9403.90.80 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (''Commerce'') to be subsidized and sold at less-than-fair-value.

DATES: February 11, 2021.

FOR FURTHER INFORMATION CONTACT: Celia Feldpausch 202–205–2387, Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, Commerce has defined the subject merchandise as ''certain metal lockers, with or without doors, and parts thereof (metal lockers).''

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China of metal lockers, and that such products are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on July 9, 2020, by List Industries, Inc., Deerfield Beach, Florida; Lyon LLC, Montgomery, Illinois; Penco Products, Inc., Greenville, North Carolina; and Tennsco Corp., Dickson, Tennessee.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is

sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on June 10, 2021, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Thursday, June 24, 2021. Information about the place and form of the hearing, including about how to participate in and/or view the hearing, will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.* Interested parties should check the Commission's website periodically for updates. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before Friday, June 18, 2021. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on Monday, June 21, 2021. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is June 17, 2021. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is July 1, 2021. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before July 1, 2021. On July 21, 2021, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before July 23, 2021, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: March 9, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–05242 Filed 3–12–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0118]

Agency Information Collection Activities; Proposed eCollection eComments Requested

AGENCY: Office of the Chief Information Officer, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Office of the Chief Information Officer, is submitting 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.

DATES: The Department of Justice encourages public comment and will accept input until May 14, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jenna Dee, Project Manager, Justice Management Division, Office of the Chief Information Officer, 145 N Street NE, Room 3W 1405A, Washington, DC 20002 (Phone: 202–598–0345).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should

address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office of the Chief Information Officer, 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—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:* Extension.

2. *The Title of the Form/Collection:* Tribal Access Program Application.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no agency form number for this collection. The applicable component within the Department of Justice is Office of the Chief Information Officer.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Tribal Governments. The U.S. Department of Justice (DOJ) launched the Tribal Access Program for National Crime Information (TAP) provide tribes access to national crime information systems for both civil and criminal purposes. DOJ has developed an application for use by federally recognized tribes interested in participating in TAP.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 50 respondents at 60 minutes each.

6. *An estimate of the total public burden (in hours) associated with the collection:* An estimated 50 burden hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: March 9, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–05244 Filed 3–12–21; 8:45 am]

BILLING CODE 4410–ML–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Agreement and Undertaking

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 14, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Black Lung Benefits Act (30 U.S.C. 901 *et seq.*) and its implementing regulations necessitate this information collection. The OWCP–1 form is executed by the self-insurer who agrees to abide by the Department's rules and authorizes the Secretary, in the event of default, to file suit to secure payment from a bond underwriter or, in the case of a Federal Reserve account, to sell the securities for the same purpose.

For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 23, 2020 (85 FR 84009).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Agreement and Undertaking.

OMB Control Number: 1240–0039.

Affected Public: Private: Business or other for-profits.

Total Estimated Number of Respondents: 17.

Total Estimated Number of Responses: 17.

Total Estimated Annual Time Burden: 4 hours.

Total Estimated Annual Other Costs Burden: $2.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: March 8, 2021.

Anthony May,

Management and Program Analyst.

[FR Doc. 2021–05262 Filed 3–12–21; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Representative Payee Report, Representative Payee Report (Short Form), and Physician's/Medical Officer's Statement

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 14, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Benefits due to a DOL Black Lung beneficiary are paid to a representative payee on behalf of the beneficiary when he or she is unable to manage the benefits due to incapability or incompetence or because the beneficiary is a minor. The Representative Payee Report (Form CM–623) and Representative Payee Report Short Form (Form CM–623S) are used to ensure that benefits paid to a representative payee are used for the beneficiary's well-being. The Physician's/Medical Officer's Statement (Form CM–787) is used to determine the beneficiary's capability to manage monthly black lung benefits. The Black Lung Benefits Act, 30 U.S.C. 922, authorizes this information collection.

For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 30, 2020 (85 FR 86582).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Representative Payee Report, Representative Payee Report (Short Form), and Physician's/Medical Officer's Statement.

OMB Control Number: 1240–0020.

Affected Public: Individuals and households.

Total Estimated Number of Respondents: 1,325.

Total Estimated Number of Responses: 1,325.

Total Estimated Annual Time Burden: 679 hours.

Total Estimated Annual Other Costs Burden: $769.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: March 8, 2021.

Anthony May,

Management and Program Analyst.

[FR Doc. 2021–05261 Filed 3–12–21; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Certificate of Medical Necessity

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 14, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Office of Workers' Compensation Programs administers the Federal Black Lung Workers' Compensation Program. The Black Lung Benefits Act (30 U.S.C. 901(a)(b) and its implementing regulations necessitate this information collection. The regulations at 20 CFR 725.701, establish miner eligibility for medical services and supplies for the length of time required by the miner's

pneumoconiosis and related disability. 20 CFR 725.706 requires prior approval before ordering an apparatus where the purchase price exceeds $300. 20 CFR 727.707 provides for the ongoing supervision of the miner's medical care, including the necessity, character and sufficiency of care to be furnished; gives the authority to request medical reports; and indicates the right to refuse payment of failing to submit any report required. Because of the above legislation and regulations, it was necessary to devise a form to collect the required information. The form is the CM–893, Certification of Medical Necessity is completed by the coal miner's doctor and is used by the Division of Coal Mine Workers' Compensation to determine if the miner meets impairment standards to qualify for durable medical equipment and home nursing.

For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 9, 2020 (85 FR 79223).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Certificate of Medical Necessity.

OMB Control Number: 1240–0024.

Affected Public: Private: Business or other for-profits, not-for-profits; Individuals and households.

Total Estimated Number of Respondents: 1,300.

Total Estimated Number of Responses: 1,300.

Total Estimated Annual Time Burden: 488 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: March 8, 2021.

Anthony May,

Management and Program Analyst.

[FR Doc. 2021–05264 Filed 3–12–21; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0042]

TUV Rheinland of North America, Inc.: Application for Expansion of Recognition

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of TUV Rheinland of North America, Inc., for expansion of the scope of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before March 30, 2021.

ADDRESSES: Comments may be submitted as follows:

Electronically: You may submit comments, including attachments, electronically at *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

OSHA will place comments and requests for a hearing, including personal information, in the public docket, which will be available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through this website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and OSHA docket number (OSHA–2007–0042). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

Extension of comment period: Submit requests for an extension of the comment period on or before March 30, 2021 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

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

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that TUV Rheinland of North America, Inc. (TUVRNA) is applying for an expansion of current recognition as a NRTL. TUVRNA requests the addition of nine test standards to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard and (2) the recognized site(s) that has/have the technical capability to perform the

product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVRNA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVRNA currently has eight facilities (sites) recognized by OSHA for product testing and certification, with the headquarters located at: TUV Rheinland of North America, Inc., 12 Commerce Road, Newtown, Connecticut 06470. A complete list of TUVRNA sites recognized by OSHA is available at *https://www.osha.gov/dts/otpca/nrtl/tuv.html.*

II. General Background on the Application

TUVRNA submitted an application, dated June 19, 2019 (OSHA–2007–0042–0045), to expand recognition to include the addition of nine test standards. OSHA staff performed a detailed analysis of the application packets and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1 lists the appropriate test standards found in TUVRNA's applications for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVRNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 62841–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 1: General Requirements.
UL 62841–2–2	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–2: Particular Requirements for Hand-Held Screwdrivers And Impact Wrenches.
UL 62841–2–4	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–4: Particular Requirements for Hand-Held Sanders And Polishers Other Than Disc Type.
UL 62841–2–5	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–5: Particular Requirements for Hand-Held Circular Saws.
UL 62841–2–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–9: Particular Requirements for Hand-Held Tappers and Threaders.
UL 62841–2–14	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 2–14: Particular Requirements for Hand-Held Planers.
UL 62841–3–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–1: Particular Requirements for Transportable Table Saws.
UL 62841–3–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–9: Particular Requirements for Transportable Mitre Saws.
UL 62841–3–10	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery—Safety—Part 3–10: Particular Requirements For Transportable Cut-Off Machines.

III. Preliminary Finding on the Application

TUVRNA submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application files indicates that TUVRNA can meet the requirements prescribed by 29 CFR 1910.7 for expanding recognition to include the addition of these nine test standards for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of TUVRNA's application.

OSHA welcomes public comment as to whether TUVRNA meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are available online at *https://www.regulations.gov* under Docket No. OSHA–2007–0042.

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant TUVRNA's applications for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the applications. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

Authority and Signature

Amanda L. Edens, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to Section 29 U.S.C. 655(6)(d), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1905.11.

Signed at Washington, DC, on February 11, 2021.

Amanda L. Edens,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–05266 Filed 3–12–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

[Docket No. OSHA–2020–0010]

Occupational Safety and Health Administration Maritime Advisory Committee on Occupational Safety and Health (MACOSH): Notice of Meeting

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

ACTION: Notice of MACOSH meeting.

SUMMARY: The Maritime Advisory Committee on Occupational Safety and Health (MACOSH) will meet March 30, 2021, by teleconference and WebEx.

DATES: MACOSH will meet from 1:00 p.m. to 4:00 p.m., ET, Tuesday, March 30, 2021.

ADDRESSES:

Submission of comments and requests to speak: Submit comments and requests to speak at the MACOSH meeting by March 22, 2021, identified by the docket number for this **Federal Register** notice (Docket No. OSHA–2020–0010), using the following method:

Electronically: Comments and request to speak, including attachments, must be submitted electronically at: *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the online instructions for submitting nominations.

Requests for special accommodations: Submit requests for special accommodations for this MACOSH meeting by March 22, 2021, to Ms. Carla Marcellus, Occupational Safety and Health Administration, Directorate of Standards and Guidance, U.S. Department of Labor; telephone (202) 693–1865; email *marcellus.carla@dol.gov.*

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and the OSHA docket number for this **Federal Register** notice (Docket No. OSHA–2020–0010). OSHA will place comments and requests to speak, including personal information, in the public docket, which will be available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693–1999; email *meilinger.francis2@dol.gov.*

For general information about MACOSH: Ms. Amy Wangdahl, Director, Office of Maritime and Agriculture, OSHA, U.S. Department of Labor; telephone (202) 693–2066; email: *wangdahl.amy@dol.gov.*

Telecommunication requirements: For additional information about the telecommunication requirements for the meeting, please contact Ms. Carla Marcellus, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–1865; email *marcellus.carla@dol.gov.*

*For copies of this **Federal Register** Notice:* Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This notice, as well as news releases and other relevant information, are also available at OSHA's web page at *www.osha.gov.*

SUPPLEMENTARY INFORMATION: Attendance at this MACOSH meeting will be by teleconference and WebEx only. The dial-in number and passcode are as follows: Dial-in number: 1–888–946–6302; Passcode: 5047691. The workgroups will discuss protecting workers when working in confined spaces, the role of shipyard competent persons, reefer safety, the update/expansion of OSHA maritime safety training, and the protection of workers from heat stress and hydrogen sulfide. The tentative agenda for the full Committee will include an update from OSHA's Office of the Assistant Secretary and reports from the Longshoring and Shipyard workgroups.

Authority and Signature

Amanda L. Edens, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice under the authority granted by 29 U.S.C. 655(b)(1) and 656(d), 5 U.S.C. App. 2, Secretary of Labor's Order No. 8–2020 (85 FR 58383), and 29 CFR part 1912.

Signed at Washington, DC, on March 8, 2021.

Amanda L. Edens,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2021–05267 Filed 3–12–21; 8:45 am]

BILLING CODE 4510–26–P

LEGAL SERVICES CORPORATION

Notice of Funding Availability and Request for Proposals for Calendar Year 2022 Basic Field Grant Awards

AGENCY: Legal Services Corporation.

ACTION: Notice of funding availability.

SUMMARY: The Legal Services Corporation (LSC) is a federally established and funded organization that funds civil legal aid organizations across the country and in the U.S. territories. Its mission is to expand access to justice by funding high-quality legal representation for low-income people in civil matters. In anticipation of a congressional appropriation to LSC for Fiscal Year 2022, LSC hereby announces the availability of funding for basic field grants with terms commencing in January 2022. LSC will publish a Request for Proposals (RFP) and seeks applications from interested parties who are qualified to provide effective, efficient, and high-quality civil legal services to eligible clients in the service area(s) of the states and territories identified below. The availability and the exact amount of congressionally appropriated funds, as well as the date, terms, and conditions of funds available for grants for calendar year 2022, have not yet been determined.

DATES: See **SUPPLEMENTARY INFORMATION** section for grant application dates.

ADDRESSES: By email to *lscgrants@lsc.gov* or by other correspondence to Legal Services Corporation—Basic Field Grant Awards, 3333 K Street, NW, Third Floor, Washington, DC 20007–3522.

FOR FURTHER INFORMATION CONTACT: Judy Lee, Grants Program Analyst, Office of Program Performance by phone at 202–295–1518 or email at *lscgrants@lsc.gov,* or visit the LSC website at *https://www.lsc.gov/grants-grantee-resources/our-grant-programs.*

SUPPLEMENTARY INFORMATION: The Legal Services Corporation (LSC) hereby announces the availability of funding for basic field grants with terms beginning in January 2022. LSC seeks grant proposals from interested parties who are qualified to provide effective, efficient, and high-quality civil legal services to eligible clients in the service

area(s) of the states and territories identified below. Interested potential applicants must first file a Pre-application (formerly a Notice of Intent to Compete). After approval by LSC of the Pre-application, an applicant can submit an application in response to the RFP, which contains the grant proposal guidelines, proposal content requirements, and selection criteria. The Pre-application and RFP will open in GrantEase, LSC's grants management system, on or around April 15, 2021. Additional information will be available at *https://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant.*

The listing of all key dates for the LSC 2022 basic field grants process, including the deadlines for filing grant proposals is available at *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant/basic-field-grant-key-dates.*

LSC seeks proposals from: (1) Non-profit organizations that have as a purpose the provision of legal assistance to eligible clients; (2) private attorneys; (3) groups of private attorneys or law firms; (4) state or local governments; and (5) sub-state regional planning and coordination agencies that are composed of sub-state areas and whose governing boards are controlled by locally elected officials.

The service areas for which LSC is requesting grant proposals for 2022 are listed below. LSC provides grants for three types of service areas: Basic Field-General, Basic Field-Native American, and Basic Field-Agricultural Worker. For example, the state of Idaho has three basic field service areas: ID–1 (General), NID–1 (Native American), and MID (Agricultural Worker). Service area descriptions are available at *https://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant/lsc-service-areas.* LSC will post all updates and changes to this notice at *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant.* Interested parties can visit *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant* or reach out to *lsgrants@lsc.gov.*

State or territory	Service area(s)
Alabama	AL–4
American Samoa	AS–1
California	CA–19; CA–2; CA–26; CA–29; CA–30
Colorado	CO–6; MCO; NCO–1
Delaware	MDE
Florida	FL–13; FL–14; FL–15; FL–16; FL–17; FL–18; FL–5; MFL
Georgia	GA–1; GA–2; MGA
Hawaii	HI–1; NHI–1
Illinois	IL–6; MIL
Indiana	IN–5; MIN
Louisiana	LA–15
Massachusetts	MA–12
Maryland	MD–1; MMD
Minnesota	MN–1
Missouri	MMO; MO–3; MO–7
Mississippi	MS–10; MS–9; NMS–1
Montana	MMT; MT–1; NMT–1
North Carolina	MNC; NC–5; NNC–1
North Dakota	ND–3; NND–3
New Hampshire	NH–1
New York	MNY; NY–20; NY–21; NY–22; NY–23; NY–24; NY–7
Pennsylvania	MPA; PA–1; PA–11; PA–23; PA–26; PA–8
Puerto Rico	MPR; PR–1
South Carolina	MSC; SC–8
Wyoming	NWY–1; WY–4

Dated: March 10, 2021.

Stefanie Davis,

Senior Associate General Counsel.

[FR Doc. 2021–05310 Filed 3–12–21; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meetings of Humanities Panel

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice of meetings.

SUMMARY: The National Endowment for the Humanities (NEH) will hold thirty meetings, by videoconference, of the Humanities Panel, a federal advisory committee, during April 2021. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** for meeting dates. The meetings will open at 8:30 a.m. and will adjourn by 5:00 p.m. on the dates specified below.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, Room 4060, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given of the following meetings:

1. Date: April 1, 2021

This video meeting will discuss applications on the topics of Literature, Communication, and the Arts, for the Collaborative Research grant program, submitted to the Division of Research Programs.

2. Date: April 2, 2021

This video meeting will discuss applications on the topics of Archaeology and Anthropology, for the Collaborative Research grant program, submitted to the Division of Research Programs.

3. Date: April 2, 2021

This video meeting will discuss applications on the topics of European

History and Literature, for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

4. Date: April 5, 2021

This video meeting will discuss applications on the topics of Philosophy and Religion, for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

5. Date: April 6, 2021

This video meeting will discuss applications on the topics of Asian and Middle Eastern History and Literature, for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

6. Date: April 6, 2021

This video meeting will discuss applications on the topics of Philosophy, Religion, and Social Sciences, for the Collaborative Research grant program, submitted to the Division of Research Programs.

7. Date: April 6, 2021

This video meeting will discuss applications on the topic of History, for the Media Projects Production grant program, submitted to the Division of Public Programs.

8. Date: April 7, 2021

This video meeting will discuss applications on the topics of Radio and Podcasts, for the Media Projects Production grant program, submitted to the Division of Public Programs.

9. Date: April 7, 2021

This video meeting will discuss applications on the topics of History and Social Sciences, for the Collaborative Research grant program, submitted to the Division of Research Programs.

10. Date: April 8, 2021

This video meeting will discuss applications on the topic of Indigenous Studies, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

11. Date: April 8, 2021

This video meeting will discuss applications on the topic of Digital Collections, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

12. Date: April 9, 2021

This video meeting will discuss applications on the topic of History, for the Media Projects Production grant program, submitted to the Division of Public Programs.

13. Date: April 12, 2021

This video meeting will discuss applications on the topic of Cultural History, for the Media Projects Production grant program, submitted to the Division of Public Programs.

14. Date: April 12, 2021

This video meeting will discuss applications on the topics of Pedagogy and Public Humanities, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

15. Date: April 13, 2021

This video meeting will discuss applications on the topics of 19th and 20th Century U.S. History, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

16. Date: April 14, 2021

This video meeting will discuss applications on the topics of Spatial Humanities and Data Visualization, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

17. Date: April 15, 2021

This video meeting will discuss applications on the topic of Art History, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

18. Date: April 16, 2021

This video meeting will discuss applications for Public Humanities Projects: Humanities Discussions Grants, submitted to the Division of Public Programs.

19. Date: April 16, 2021

This video meeting will discuss applications on the topic of Computational Analysis, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

20. Date: April 19, 2021

This video meeting will discuss applications on the topic of History, for the Media Projects Production grant program, submitted to the Division of Public Programs.

21. Date: April 20, 2021

This video meeting will discuss applications on the topic of Scholarly Communications, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

22. Date: April 20, 2021

This video meeting will discuss applications on the topics of Art and Culture, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

23. Date: April 22, 2021

This video meeting will discuss applications for Short Documentaries grant program, submitted to the Division of Public Programs.

24. Date: April 22, 2021

This video meeting will discuss applications on the topics of Virtual Environments and Cultural Heritage, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

25. Date: April 23, 2021

This video meeting will discuss applications for Institutes for Higher Education Faculty, submitted to the Division of Education Programs.

26. Date: April 26, 2021

This video meeting will discuss applications on the topic of World History, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

27. Date: April 27, 2021

This video meeting will discuss applications on the topic of Cultural History, for the Media Projects Production grant program, submitted to the Division of Public Programs.

28. Date: April 28, 2021

This video meeting will discuss applications on the topic of History, for the Media Projects Production grant program, submitted to the Division of Public Programs.

29. Date: April 28, 2021

This video meeting will discuss applications for Institutes for Advanced Topics in the Digital Humanities, submitted to the Office of Digital Humanities.

30. Date: April 29, 2021

This video meeting will discuss applications on the topics of Local and Regional History, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: March 9, 2021.

Elizabeth Voyatzis,

Committee Management Officer.

[FR Doc. 2021–05234 Filed 3–12–21; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–317, 50–318, 50–445, 50–446, 50–373, 50–374, 50–220, and 50–410; NRC–2020–0110]

Issuance of Multiple Exemptions in Response to COVID–19 Public Health Emergency

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemptions; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued four exemptions in response to requests from two licensees. The exemptions afford these licensees temporary relief from certain requirements under NRC regulations. The exemptions are in response to the licensees' requests for relief due to the coronavirus disease 2019 (COVID–19) public health emergency (PHE). The NRC is issuing a single notice to announce the issuance of the exemptions.

DATES: During the period from February 2, 2021, to February 23, 2021, the NRC granted four exemptions in response to requests submitted by two licensees from January 21, 2021, to February 8, 2021.

ADDRESSES: Please refer to Docket ID NRC–2020–0110 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0110. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.

FOR FURTHER INFORMATION CONTACT: James Danna, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7422, email: *James.Danna@nc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

During the period from February 2, 2021, to February 23, 2021, the NRC granted four exemptions in response to requests submitted by two licensees from January 21, 2021, to February 8, 2021. These exemptions temporarily allow the licensees to deviate from certain requirements of part 26, ''Fitness for Duty Programs,'' of chapter I of title 10 of the *Code of Federal Regulations* (10 CFR).

The exemptions from certain requirements of 10 CFR part 26, ''Fitness for Duty Programs,'' for Exelon Generation Company, LLC (for Calvert Cliffs Nuclear Power Plant, Units 1 and 2; LaSalle County Station, Units 1 and 2; and Nine Mile Point Nuclear Station, Units 1 and 2) and for Vistra Operations Company LLC (for Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2) afford these licensees temporary relief from the work-hour controls under10 CFR 26.205(d)(1) through (d)(7). The exemptions from 10 CFR 26.205(d)(1) through (d)(7) ensure that the control of work hours and management of worker fatigue does not unduly limit licensee flexibility in using personnel resources to most effectively manage the impacts of the COVID–19 PHE on maintaining the safe operation of these facilities. Specifically, these licensees have stated that their staffing levels are affected or are expected to be affected by the COVID–19 PHE, and they can no longer meet or likely will not meet the work-hour controls of 10 CFR 26.205(d)(1) through (d)(7). These licensees have committed to effecting site-specific COVID–19 PHE fatigue-management controls for personnel specified in 10 CFR 26.4(a).

The NRC is providing compiled tables of exemptions using a single **Federal Register** notice for COVID–19 related exemptions instead of issuing individual **Federal Register** notices for each exemption. The compiled tables in this notice provide transparency regarding the number and type of exemptions the NRC has issued. Additionally, the NRC publishes tables of approved regulatory actions related to the COVID–19 PHE on its public website at *https://www.nrc.gov/about-nrc/covid-19/reactors/licensing-actions.html.*

II. Availability of Documents

The tables in this notice provide the facility name, docket number, document description, and ADAMS accession number for each exemption issued. Additional details on each exemption issued, including the exemption request submitted by the respective licensee and the NRC's decision, are provided in each exemption approval listed in the tables in this notice. For additional directions on accessing information in ADAMS, see the **ADDRESSES** section of this document.

CALVERT CLIFFS NUCLEAR POWER PLANT, UNITS 1 AND 2

[Docket Nos. 50–317 and 50–318]

Document description	ADAMS accession No.
Calvert Cliffs Nuclear Plant, Units 1 and 2—COVID-19 Related Request for Exemption from 10 CFR part 26 Work Hours Requirements, dated January 21, 2021.	ML21022A009
Calvert Cliffs Nuclear Power Plant, Units 1 and 2—Exemption from Select Requirements of 10 CFR part 26 (EPID L–2021–LLE–0005 [COVID–19]), dated February 18, 2021.	ML21029A336

COMANCHE PEAK NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2

[Docket Nos. 50–445 and 50–446]

Document description	ADAMS accession No.
Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2—Subsequent Request for Exemption from Specific Requirements of 10 CFR part 26, ''Fitness for Duty Programs,'' dated February 8, 2021.	ML21039A688
Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2—Supplement to Subsequent Request for Exemption from Specific Requirements of 10 CFR part 26, ''Fitness for Duty Programs,'' dated February 9, 2021.	ML21040A512
Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2—Second Supplement to Subsequent Request for Exemption from Specific Requirements of 10 CFR part 26, ''Fitness for Duty Programs,'' dated February 10, 2021.	ML21041A541
Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2—Exemption from Select requirements of 10 CFR part 26 (EPID L–2021–LLE–0009 [COVID-19]), dated February 11, 2021.	ML21040A001

LASALLE COUNTY STATION, UNITS 1 AND 2

[Docket Nos. 50–373 and 50–374]

Document description	Adams accession No.
LaSalle County Station, Units 1 and 2—Subsequent Request for Exemption from 10 CFR part 26 Work Hours Requirements, dated January 22, 2021.	ML21022A372
LaSalle County Station, Units 1 and 2—Exemption from Select Requirements of 10 CFR part 26 (EPID L–2021–LLE–0004 [COVID–19]), dated February 2, 2021.	ML21025A294

NINE MILE POINT NUCLEAR STATION, UNITS 1 AND 2

[Docket Nos. 50–220 and 50–410]

Document description	Adams accession No.
Nine Mile Point Nuclear Station, Units 1 and 2—COVID–19 Related Request for Exemption from 10 CFR part 26 Work Hours Requirements, dated January 22, 2021.	ML21022A230
Nine Mile Point Nuclear Station, Units 1 and 2—Exemption from Select Requirements of 10 CFR part 26 (EPID L–2021–LLE–0006 [COVID–19]), dated February 23, 2021.	ML21029A309

Dated: March 9, 2021.

For the Nuclear Regulatory Commission.

James G. Danna,

Chief, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–05268 Filed 3–12–21; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91282; File No. SR–PEARL–2021–05]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 519C, Mass Cancellation of Trading Interest

March 9, 2021.

Pursuant to the provisions of 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, MIAX PEARL, LLC (''MIAX PEARL'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposed rule change to amend Exchange Rule 519C.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

filings/pearl at MIAX PEARL's principal office, 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 Rule 519C, Mass Cancellation of Trading Interest, to adopt new paragraph (d) titled, Detection of Unresponsive System Interface, which will state that a Member [3] may request that the Help Desk [4] enable the cancel on disconnect feature for a FIX session on their behalf. When the System [5] detects an unresponsive FIX Interface [6] due to a System issue, the System will cancel all open orders for that Interface session.

MIAX PEARL Members may connect to the System using the MEO Interface [7] and/or the FIX Interface. These two connection protocols are not mutually exclusive and Members, specifically Market Makers (''MMs'') [8] on the Exchange, primarily use the MEO Interface for providing liquidity to the Exchange via their Market Making activities, while Electronic Exchange Members (''EEMs'') [9] primarily use the FIX Interface for submitting orders.[10]

These Interface ports provide the mechanism by which Members maintain a connection to the Exchange and through which a Member communicates its quotes and/or orders to the System. Market Makers may submit quotes [11] to the Exchange from one or more MEO ports. Similarly, Members may submit orders to the Exchange from one or more FIX ports.

MEO Connections

Members connect to their assigned MEO port using the MIAX Session Management Protocol (''SesM''). The SesM protocol uses Heartbeat [12] packets to detect link failures between the Member and the Exchange. The SesM protocol requires that the Exchange must send a Heartbeat packet anytime more than one (1) second has passed since the Exchange last sent any data. Further, the SesM protocol requires that the Member must send a Heartbeat packet anytime more than one (1) second has passed since the Member last sent any data. If a certain number of consecutive Heartbeats are missed,[13] or if the Member fails to send data or Heartbeats within ''xx'' period of time (''Heartbeat Interval''), the System will automatically close the connection and listen for the Member to establish a new connection.[14] The default Heartbeat Interval setting is determined by the Exchange and configured directly into the System.[15] Any change to these settings is communicated to Members accordingly.

The Exchange offers Members three different types of MEO port connections. A Full Service Port Bulk (''FSP_B'') which supports all message types and binary bulk order entry, a Full Service Port Single (''FSP_S'') which supports all MEO input message types and binary order entry on a single order by order basis (no bulk orders), and a Limited Service Port (''LSP''), which supports all MEO input message types, but does not support bulk order entry and only supports IOC/ISO order types. All Ports can have ''cancel on disconnect'' enabled.

By default, cancel on disconnect functionality will be triggered upon establishing a loss of communication to the Member's last MEO Full Service Port connection to a matching engine. When cancel on disconnect is triggered, the System will close the session and remove the Member's quotes and orders from the Exchange, for the impacted matching engine only.[16] MEO cancel on disconnect functionality is not changing under this proposal.

FIX Connections

Members connect to their assigned FIX port using the MIAX PEARL FIX Orders Interface (''FOI'') which is a flexible interface that uses the FIX protocol for both application and session level messages. As per the FIX protocol, a connection is established by the Member submitting a logon message to the Exchange. This logon message establishes the Heartbeat interval that will be used by the session. This value must be greater than zero seconds and the same value must be used by both the Member and the Exchange.

Within the logon message a Member can enable ''Auto Cancel on Disconnect'' for all orders sent through a session by setting a flag in the logon message. This would result in all eligible orders [17] submitted through the

[3] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of MIAX PEARL Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[4] The term ''Help Desk'' means the Exchange's control room consisting of Exchange staff authorized to make certain trading determinations on behalf of the Exchange. The Help Desk shall report to and be supervised by a senior executive officer of the Exchange. *See* Exchange Rule 100.

[5] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[6] The term ''FIX Interface'' means the Financial Information Exchange interface used for submitting certain order types (as set forth in MIAX PEARL Rule 516) to the MIAX PEARL System. *See* Exchange Rule 100.

[7] The term ''MEO Interface'' means a binary order interface used for submitting certain order types (as set forth in MIAX PEARL Rule 516) to the MIAX PEARL System. *See* Exchange Rule 100.

[8] The term ''Market Maker'' or ''MM'' means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of MIAX PEARL Rules. *See* Exchange Rule 100.

[9] The term ''Electronic Exchange Member'' or ''EEM'' means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders or Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[10] The term ''order'' means a firm commitment to buy or sell option contracts. *See* Exchange Rule 100.

[11] The term ''quote'' or ''quotation'' means a bid or offer entered by a Market Maker as a firm order that updates the Market Maker's previous bid or offer, if any. When the term order is used in these Rules and a bid or offer is entered by the Market Maker in the option series to which such Market Maker is registered, such order shall, as applicable, constitute a quote or quotation for purposes of these Rules. *See* Exchange Rule 100.

[12] A Heartbeat message is a communication which acts as a virtual pulse between the Exchange System and the Member's system. The Heartbeat message sent by the Member and received by the Exchange allows the Exchange to continually monitor its connection with the Member.

[13] The Exchange notes that the current setting is three (3) Heartbeats.

[14] *See* TCP Session Management (SesM), Protocol Specification, (8/13/2015), Version 1.1e, available at *https://www.miaxoptions.com/sites/default/files/page-files/MIAX_PEARL_TcpSessionMgmt_SesM_v1_1e_0.pdf.*

[15] The Exchange notes that the current setting is three (3) seconds.

[16] *See* MIAX Express Orders Binary Orders for Trading Options, MEO Interface Specification, (8/12/2020), Version 2.0b, available at *https://www.miaxoptions.com/sites/default/files/page-files/MIAX_Express_Orders_MEO_v2.0b.pdf. See also* Exchange Rule 519C(c)(1).

[17] Good 'Til Cancelled (''GTC'') orders are not eligible for Auto Cancel on Disconnect. A GTC Order is an order to buy or sell which remains in effect until it is either executed, cancelled or the underlying option expires. *See* Exchange Rule 516(i).

FIX connection to be canceled upon a loss of communication. Alternatively, a Member can identify individual orders on a per order basis that are to be considered for Auto Cancel on Disconnect treatment.

Upon missing a single Heartbeat, FOI will send a *Test Request* message [18] to the Member to check the status of the connection. Upon missing a certain number of Heartbeats,[19] FOI will send a logout message and terminate the connection. When FOI detects a disconnection for any reason it will trigger the Auto Cancel on Disconnect process, whereby, if enabled, FOI will cancel all eligible orders. If Auto Cancel on Disconnect is not enabled for the session or for any orders, FOI will simply disconnect the FIX session and not cancel any orders. Once disconnected, a FIX user would have to commence a new session to add, modify, or cancel its orders. After a disconnect, FOI will not accept connections from the Member for a pre-configured period of time.[20] This allows the Exchange to cancel orders without the Member being able to reconnect and attempt to interact with an order in the process of being canceled. Any change to this setting will be communicated to Members accordingly.

The Auto Cancel on Disconnect functionality is designed to react to external connection loss scenarios only. Therefore, it does not cancel orders in the event of a FOI Interface becoming unresponsive as a result of a MIAX PEARL System issue. The execution reports resulting from cancels or trades during the period a Member is disconnected can be received upon a subsequent reconnection by the Member on the same trading day.[21]

The Exchange now proposes an additional risk protection feature designed to cancel orders in the event of a MIAX PEARL System issue that causes the FIX Order Interface to become unresponsive. The Exchange proposes to allow a Member to request that the Help Desk enable the cancel on disconnect feature for FIX sessions on their behalf. When the System detects an unresponsive FIX Order Interface due to a MIAX PEARL System issue, the System will cancel all open orders, including GTC orders, for that specific session. After initially requesting that the Help Desk enable the cancel on disconnect feature on behalf of the Member, the setting will remain enabled until such time as the Member requests that it be disabled.

While GTC orders by definition are designed to remain on the Exchange's Book [22] until such time as they are executed or canceled, some Members have expressed a preference to have any order type, including Good 'til Cancelled, removed from the Exchange's Book if the Member is unable to interact with their order due to a technical issue. Removing a Member's order in the event of a technical issue reduces the chance of an undesirable execution occurring and gives the Member flexibility and control over their orders.

Additionally, the Exchange proposes to make a minor non-substantive edit to subparagraph (c)(2) to replace the term ''Session'' (with an uppercase ''S'') with the term ''session'' (with a lowercase ''s''). The term ''FIX Session'' is not a defined term in the Exchange's rulebook and is therefore currently erroneously identified as one. This proposed change improves the clarity and precision of the Exchange's rulebook.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act [23] in general, and furthers the objectives of Section 6(b)(5) of the Act [24] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed rule will remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors and the public interest by providing Members with a mechanism by which to remove all open orders in the System in the event one of their FIX Order Interfaces becomes unresponsive due to a MIAX PEARL System issue.

Offering this type of order cancellation functionality to Members is consistent with the Act because it enables Members to avoid risks associated with inadvertent executions in the event the Member is unable to interact with its orders on the Exchange. The proposed rule change is not unfairly discriminatory among Members, as it is available equally to all Members of the Exchange that use the FIX Protocol to submit orders to the Exchange.

The Exchange's proposal is consistent with the Act because it adds another risk protection tool for Members to employ that may mitigate the risk of potential erroneous or unintended executions associated with an unresponsive FIX Order Interface which protects investors and the public interest.

The Exchange believes the proposed change to correct a typographical error, promotes just and equitable principles of trade, removes impediments to and perfects the mechanism of a free and open market and a national market system as it improves the accuracy and specificity of the Exchange's Rules. The Exchange believes that the proposed change will provide greater clarity to Members and the public regarding the Exchange's Rules, and it is in the public interest for rules to be accurate and concise so as to eliminate the potential for confusion.

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 will not impose any burden on intra-market competition because every Member of the Exchange has the opportunity to benefit from the optional functionality described in the proposed rule.

Offering optional functionality to cancel all open orders, including GTC orders, in the System upon detection of an unresponsive FOI connection due to a MIAX PEARL System issue, does not create an undue burden on intra-market competition as Members may wish to have all open orders canceled to reduce the possibility of an undesired execution occurring.

The Exchange does not believe the proposed rule change will impose any

[18] The test request message is a FIX Protocol message that forces a heartbeat from the opposing application. The test request message checks sequence numbers or verifies communication line status. The opposite application responds to the Test Request with a Heartbeat containing the Test Request ID. Financial Information Exchange Protocol (FIX), Version 4.2 with errata. May 1, 2001.

[19] The Exchange notes that the current setting is two (2) Heartbeats.

[20] The Exchange notes that the current setting is five (5) seconds. *See also* Exchange Rule 519C(c)(2).

[21] *See* Options Order Management using FIX Protocol, FIX Interface Specification, (6/10/2018), Version 1.1, available at *https://www.miaxoptions.com/sites/default/files/page-files/MIAX_PEARL_FIX_Order_Interface_FOI_v1.1a.pdf.*

[22] The term ''Book'' means the electronic book of buy and sell orders and quotes maintained by the System. *See* Exchange Rule 100.

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. At least one other option exchange similarly offers a variation of cancel functionality to their users to protect against unintended or unwanted executions.[25]

For the reasons stated, 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.

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 after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [26] and Rule 19b–4(f)(6) [27] 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 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.

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Today, all non-Customers pay a $0.48 per contract Fee for Removing Liquidity in SPY.

[4] This would include Lead Market Maker or Market Maker quotes or orders that were executed.

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–PEARL–2021–05 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–PEARL–2021–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2021–05 and should be submitted on or before April 5, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05237 Filed 3–12–21; 8:45 am]

BILLING CODE 8011–01–P

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91284; File No. SR–NYSEArca–2020–77]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Withdrawal of a Proposed Rule Change To Amend NYSE Arca Rule 8.601–E To Adopt Generic Listing Standards for Active Proxy Portfolio Shares

March 9, 2021.

On August 31, 2020, NYSE Arca, Inc. (''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NYSE Arca Rule 8.601–E to adopt generic listing standards for Active Proxy Portfolio Shares. The proposed rule change was published for comment in the **Federal Register** on September 21, 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 11, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[6] The Commission received no comments on the proposed rule change. On March 5, 2021, the Exchange withdrew the proposed rule change (SR–NYSEArca–2020–77).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05239 Filed 3–12–21; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89874 (September 15, 2020), 85 FR 59338.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 90296, 85 FR 70696 (November 5, 2020).

[6] *See* Securities Exchange Act Release No. 90652, 85 FR 82011 (December 17, 2020).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91285; File No. SR–Phlx–2021–12)

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Proposed Rule Change To Amend Options 7, Section 3, "Rebates and Fees for Adding and Removing Liquidity in SPY"

March 9, 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, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx's Pricing Schedule at Options 7, Section 3, ''Rebates and Fees for Adding and Removing Liquidity in SPY.''

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx proposes to amend its pricing within Options 7, Section 3, ''Rebates and Fees for Adding and Removing Liquidity in SPY.'' Specifically, the Exchange proposes to amend Options 7, Section 3, Part A, Simple Orders to: (1) Decrease the SPY Simple Order Customer Fee for Removing Liquidity; and (2) amend the SPY Lead Market Maker and Market Maker tier qualifications to earn a Simple Order Rebate for Adding Liquidity. Each change will be described below.

Fee for Removing Liquidity

The Exchange proposes to decrease the current $0.42 per contract Customer Fee for Removing Liquidity in SPY to $0.38 per contract for Simple Orders. The Exchange believes decreasing this fee will incentivize market participants to send additional Customer Simple Orders to Phlx in SPY.

The Exchange is not amending any other Fees for Removing Liquidity [3] in SPY for Simple Orders. Customers will continue to pay the lowest Simple Order Fee for Removing Liquidity in SPY.

Rebate for Adding Liquidity

Today, Lead Market Makers and Market Makers are paid Simple Order Rebates for Adding Liquidity on electronically executed Simple Order contracts per day in a month when adding liquidity in SPY. The Simple Order Rebate for Adding Liquidity is determined by calculating the average daily volume of electronically executed Lead Market Maker and Market Maker Simple Order contracts per day in a month in SPY.[4] Today, the applicable tier schedule is as follows:

Tiers	Average daily volume "ADV"	Rebate for adding liquidity
1	1 to 2,499	$0.12
2	2,500 to 4,999	0.15
3	5,000 to 19,999	0.18
4	20,000 to 34,999	0.24
5	35,000 to 49,999	0.27
6	greater than 49,999	0.32

The Exchange proposes to amend the current tier schedule. Instead of utilizing average daily volume to qualify for a Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity when adding liquidity in SPY, the Exchange proposes to utilize a percentage of all cleared customer volume at The Options Clearing Corporation in Multiply Listed Equity Options and Exchange-Traded Products (''TCV''). Simple Order Rebates to Add Liquidity will continue to be paid on electronically executed Lead Market Maker and Market Maker Simple Order contracts per day in a month which add liquidity in SPY. The Exchange is not amending the Rebates for Adding Liquidity that are paid to Lead Market Makers and Market Makers for transacting Simple Orders in SPY. Lead Market Makers and Market Makers will be paid per the highest tier achieved pursuant to the below tier schedule:

Tiers	Adds liquidity in SPY as a percentage of TCV	Rebate for adding liquidity
1	up to 0.02%	$0.12
2	up to 0.04%	0.15
3	up to 0.10%	0.18
4	up to 0.20%	0.24
5	up to 0.40%	0.27
6	greater than 0.40%	0.32

Specifically, the Exchange would pay a $0.12 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for TCV up to 0.02% [5] which adds [sic] in SPY. Today, the Exchange pays a $0.12 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for average daily volume up to 2,499 contracts per day in a month which add liquidity in SPY.

The Exchange proposes to pay a $0.15 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for TCV up to 0.04% [6] which adds liquidity in SPY. Today, the Exchange pays a $0.15 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for average daily volume from 2,500 to 4,999 contracts per day in a month which adds liquidity in SPY.

The Exchange proposes to pay a $0.18 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for TCV up to 0.10% [7] which adds liquidity in SPY. Today, the Exchange pays a $0.18 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for average daily volume from 5,000 to

[3] Today, all non-Customers pay a $0.48 per contract Fee for Removing Liquidity in SPY.

[4] This would include Lead Market Maker or Market Maker quotes or orders that were executed.

[5] 0.02% TCV is representative of approximately 5,000 contracts per day when TCV is 25,000,000 contracts per day.

[6] 0.04% TCV is representative of approximately 10,000 contracts per day when TCV is 25,000,000 contracts per day.

[7] 0.10% TCV is representative of approximately 25,000 contracts per day when TCV is 25,000,000 contracts per day.

19,999 contracts per day in a month which adds liquidity in SPY.

The Exchange proposes to pay a $0.24 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for TCV up to 0.20% [8] which adds liquidity in SPY. Today, the Exchange pays a $0.24 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for average daily volume from 20,000 to 34,999 contracts per day in a month which adds liquidity in SPY.

The Exchange proposes to pay a $0.27 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for TCV up to 0.40% [9] which adds liquidity in SPY. Today, the Exchange pays a $0.27 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for average daily volume from 35,000 to 49,999 contracts per day in a month which adds liquidity in SPY.

The Exchange proposes to pay a $0.32 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for TCV greater than 0.40% which adds liquidity in SPY. Today, the Exchange pays a $0.32 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for average daily volume greater than 49,999 contracts per day in a month which adds liquidity in SPY.

As proposed, Lead Market Maker and Market Maker Simple Order Rebates to Add Liquidity in SPY would require an increased amount of electronically executed Lead Market Maker and Market Maker Simple Order contracts per day in a month which adds liquidity in SPY to qualify for the same tiers as members qualified in the past. For example, with this proposal, the Tier 1 Simple Order Rebate to Add Liquidity will continue to pay a $0.12 per contract Simple Order Lead Market Maker and Market Maker Rebates to Add Liquidity in SPY; however, instead of executing contracts which adds liquidity from 1 to 2,499 ADV to qualify for a Tier 1 rebate, a Participant that executes from 1 to approximately 5,000 contracts in a day (which is the percentage of all cleared customer volume at The Options Clearing Corporation in Multiply Listed Equity Options and Exchange-Traded Products or ''TCV''), which adds liquidity, would now qualify for the Tier 1 $0.12 Simple Order Lead Market Maker and Market Maker Rebate to Add Liquidity in SPY. Today, Participants that execute 2,500 to 4,999 ADV of Simple Order Lead Market Maker and Market Maker contracts, which adds liquidity, would qualify for the Tier 2 Simple Order Lead Market Maker and Market Maker Rebate to Add Liquidity in SPY which pays $0.15 per contract. With this proposal, those Participants that previously qualified for the Tier 2 rebate would now qualify for the Tier 1 Simple Order Lead Market Maker and Market Maker Rebate to Add Liquidity. Likewise, with this proposal the Tier 2 Simple Order Rebate to Add Liquidity will continue to pay a $0.15 per contract Simple Order Lead Market Maker and Market Maker Rebate to Add Liquidity in SPY; however, instead of executing contracts from 2,500 to 4,999 ADV, which adds liquidity, to qualify for a Tier 2 rebate, a Participant that executes up to approximately 10,000 contracts TCV in a day, which adds liquidity, would now qualify for the Tier 2 Simple Order Lead Market Maker and Market Maker Rebate to Add Liquidity which pays $0.15 per contract. Today, Participants who executed 5,000 to 19,999 ADV qualify for the higher Tier 3 Simple Order Lead Market Maker and Market Maker Rebate to Add Liquidity of $0.18 per contract. Each tier requirement has been increased and therefore Participants in Tiers 2–6 would have to execute a greater amount of Simple Order Lead Market Maker and Market Maker contracts which adds liquidity in SPY to earn the same rebate as they previously earned.

With this proposal, all Simple Order Rebate to Add Liquidity tiers require a greater amount of executed contracts which add liquidity in SPY to qualify for the same tier, except for those Participants that today qualify for Tier 1.[10] Phlx believes its proposal will continue to incentivize the submission of Lead Market Maker and Market Maker Simple Orders by continuing to offer rebates for the submission of these orders which add liquidity in SPY. Today, the Exchange only pays Simple Order Rebates to Add Liquidity in SPY for Lead Market Maker and Market Maker Simple Orders which add liquidity in SPY and this will remain the case.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[12] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed changes to its Pricing Schedule are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [13]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [14]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for options security transaction services. The Exchange is only one of sixteen options exchanges to which market participants may direct their order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing

[8] 0.20% TCV is representative of approximately 50,000 contracts per day when TCV is 25,000,000 contracts per day.

[9] 0.40% TCV is representative of approximately 100,000 contracts per day when TCV is 25,000,000 contracts per day.

[10] Tier 1 continues to pay the same $0.12 per contract Simple Order Lead Market Maker and Market Maker Rebate to Add Liquidity for Participants who submit up to approximately 5,000 TCV contracts which add liquidity in SPY.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4) and (5).

[13] *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)).

[14] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

Fee for Removing Liquidity

The Exchange's proposal to decrease the current $0.42 per contract Customer Fee for Removing Liquidity in SPY to $0.38 per contract for Simple Orders is reasonable. Decreasing the Simple Order Customer Fee for Removing Liquidity in SPY will incentivize market participants to send additional Customer SPY Simple Orders to Phlx. Customers will continue to pay the lowest Simple Order Fee for Removing Liquidity in SPY as compared to other market participants.[15]

The Exchange's proposal to decrease the current $0.42 per contract Customer Fee for Removing Liquidity in SPY to $0.38 per contract for Simple Orders is equitable and not unfairly discriminatory. Customers would continue to receive favorable pricing as compared to other market participants because Customer liquidity enhances liquidity on the Exchange for the benefit of all market participants. Specifically, Customer liquidity benefits all market participants by providing more trading opportunities which attracts market makers. An increase in the activity of these market participants (particularly in response to pricing) in turn facilitates tighter spreads which may cause an additional corresponding increase in order flow from other market participants.

Rebate for Adding Liquidity

The Exchange's proposal to amend the current tier schedule to remove average daily volume as a tier qualifier for a Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity when adding liquidity in SPY and instead utilize a percentage of all cleared customer volume at The Options Clearing Corporation in Multiply Listed Equity Options and Exchange-Traded Products or ''TCV'' is reasonable, equitable and not unfairly discriminatory. The Exchange's proposal is intended to provide a measure for the amount of contracts that would be eligible to qualify a market participant submitting electronically executed Lead Market Maker and Market Maker Simple Order contracts per day in a month which add liquidity in SPY for a certain rebate. The greater the amount of contracts submitted by the member, the larger the Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity when adding liquidity in SPY. The Exchange believes that measuring the contracts as a percentage of TCV is a fair and equitable method for calculating Simple Order Customer volume executed on Phlx when adding liquidity in SPY. The Exchange would uniformly apply this measure to all eligible members to determine the corresponding rebate. Lead Market Makers and Market Makers will be paid per the highest tier achieved.

The Exchange's proposal to amend the tier qualifications for Lead Market Maker or Market Maker Simple Order Rebates to Add Liquidity when adding liquidity in SPY is reasonable.[16] As proposed, an increased amount of electronically executed Lead Market Maker and Market Maker Simple Order contracts per day in a month which add liquidity in SPY would need to be submitted to qualify for the same tiers as members qualified in the past with the exception of Tier 1.[17] With this proposal, all Simple Order Rebate to Add Liquidity tiers require a greater amount of executed contracts which add liquidity in SPY to qualify for the same rebate as the Participant had previously qualified for prior to this proposal. Despite the increased volume qualifications, Phlx believes its proposal will continue to incentivize the submission of Lead Market Maker and Market Maker Simple Orders by continuing to offer rebates for the submission of these orders which add liquidity in SPY. Today, the Exchange only pays Simple Order Rebates to Add Liquidity in SPY for Lead Market Maker and Market Maker Simple Orders and this will remain the case. Lead Market Makers and Market Makers will be paid per the highest tier achieved.

The Exchange's proposal to amend the tier qualifications for Lead Market Maker or Market Maker Simple Order Rebates to Add Liquidity in SPY is equitable and not unfairly discriminatory. Phlx Lead Market Makers and Market Makers add value through continuous quoting[18] and are subject to additional requirements and obligations[19] that other market participants are not. Incentivizing Lead Market Makers and Market Makers to provide greater liquidity benefits all market participants through the quality of order interaction.

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.

Inter-Market Competition

The proposal does not impose an undue burden on intermarket competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its

[15] *See* note 3 above.

[16] With this proposal, Phlx would pay a $0.12 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for TCV up to 0.02% which adds liquidity in SPY. Today, the Exchange pays a $0.12 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for average daily volume up to 2,499 contracts per day in a month which adds liquidity in SPY. The Exchange proposes to pay a $0.15 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for TCV up to 0.04% which adds liquidity in SPY. Today, the Exchange pays a $0.15 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for average daily volume from 2,500 to 4,999 contracts per day in a month which adds liquidity in SPY. The Exchange proposes to pay a $0.18 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for TCV up to 0.10% which adds in SPY. Today, the Exchange pays a $0.18 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for average daily volume from 5,000 to 19,999 contracts per day in a month which adds liquidity in SPY. The Exchange proposes to pay a $0.24 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for TCV up to 0.20% which adds liquidity in SPY. Today, the Exchange pays a $0.24 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for average daily volume from 20,000 to 34,999 contracts per day in a month which adds liquidity in SPY. The Exchange proposes to pay a $0.27 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for TCV up to 0.40% which adds liquidity in SPY. Today, the Exchange pays a $0.27 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for average daily volume from 35,000 to 49,999 contracts per day in a month which adds liquidity in SPY.

The Exchange proposes to pay a $0.32 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for TCV greater than 0.40% which adds liquidity in SPY. Today, the Exchange pays a $0.32 per contract Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity for average daily volume greater than 49,999 contracts per day in a month which adds liquidity in SPY.

[17] Tier 1 continues to pay the same $0.12 per contract Simple Order Lead Market Maker and Market Maker Rebate to Add Liquidity for Participants who submit up to approximately 5,000 TCV contracts which add liquidity in SPY.

[18] *See* Options 2, Section 5.

[19] *See* Options 2, Section 4.

fees to remain competitive with other exchanges that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intra-Market Competition

Fee for Removing Liquidity

The Exchange's proposal to decrease the current $0.42 per contract Customer Fee for Removing Liquidity in SPY to $0.38 per contract for Simple Orders does not impose an undue burden on competition. Customers would continue to receive favorable pricing as compared to other market participants because Customer liquidity enhances liquidity on the Exchange for the benefit of all market participants. Specifically, Customer liquidity benefits all market participants by providing more trading opportunities which attracts market makers. An increase in the activity of these market participants (particularly in response to pricing) in turn facilitates tighter spreads which may cause an additional corresponding increase in order flow from other market participants.

Rebate for Adding Liquidity

The Exchange's proposal to amend the current tier schedule to remove average daily volume as a tier qualifier for a Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity when adding liquidity in SPY and instead utilize a percentage of all cleared customer volume at The Options Clearing Corporation in Multiply Listed Equity Options and Exchange-Traded Products or ''TCV'' does not impose an undue burden on competition. The Exchange's proposal is intended to provide a measure for the amount of contracts that would be eligible to qualify a market participant submitting electronically executed Lead Market Maker and Market Maker Simple Order contracts per day in a month which add liquidity in SPY for a certain rebate. The greater the amount of contracts submitted by the member, the larger the Lead Market Maker or Market Maker Simple Order Rebate to Add Liquidity in SPY. The Exchange believes that measuring the contracts as a percentage of TCV is a fair and equitable method for calculating Customer volume executed on Phlx when adding liquidity in SPY. The Exchange would uniformly apply this measure to all eligible members to determine the corresponding rebate. Lead Market Makers and Market Makers will be paid per the highest tier achieved.

The Exchange's proposal to amend the tier qualifications for Lead Market Maker or Market Maker Simple Order Rebates to Add Liquidity in SPY does not impose an undue burden on competition. Phlx Lead Market Makers and Market Makers add value through continuous quoting [20] and are subject to additional requirements and obligations [21] that other market participants are not. Incentivizing Lead Market Makers and Market Makers to provide greater liquidity benefits all market participants through the quality of order interaction.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PHLX–2021–12 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–2021–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PHLX–2021–12 and should be submitted on or before April 5, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05240 Filed 3–12–21; 8:45 am]

BILLING CODE 8011–01–P

[20] *See* Options 2, Section 5.

[21] *See* Options 2, Section 4.

[22] 15 U.S.C. 78s(b)(3)(A)(ii).

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Asset Management Advisory Committee

(''AMAC'') will hold a public meeting on Friday, March 19, 2021 at 9:00 a.m.

PLACE: The meeting will be conducted by remote means. Members of the public may watch the webcast of the meeting on the Commission's website at *www.sec.gov.*

STATUS: The meeting will begin at 9:00 a.m. and will be open to the public by webcast on the Commission's website at *www.sec.gov.*

MATTERS TO BE CONSIDERED: On February 26, 2021, the Commission issued notice of the meeting (Release No. 34–91214), indicating that the meeting is open to the public and inviting the public to submit written comments to AMAC. This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

The meeting will include a discussion of matters in the asset management industry relating to (1) the ESG Subcommittee, including a panel discussion on that Subcommittee's potential recommendations of December 1, 2020; (2) the Diversity & Inclusion and Private Investments Subcommittees, including potential recommendations from those Subcommittees; and (3) AMAC's agenda for 2021.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: March 11, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–05379 Filed 3–11–21; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91281; File No. SR–NYSEArca–2020–84]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Withdrawal of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend NYSE Arca Rule 8.900–E To Adopt Generic Listing Standards for Managed Portfolio Shares

March 9, 2021.

On September 22, 2020, NYSE Arca, Inc. (''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NYSE Arca Rule 8.900–E to adopt generic listing standards for Managed Portfolio Shares. On October 2, 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 October 13, 2020.[3] On November 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 December 31, 2020, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[6] The Commission received no comments on the proposed rule change. On March 5, 2021, the Exchange withdrew the proposed rule change, as modified by Amendment No. 1 (SR–NYSEArca–2020–84).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05236 Filed 3–12–21; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90104 (October 7, 2020), 85 FR 64598.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 90418, 85 FR 73812 (November 19, 2020).

[6] *See* Securities Exchange Act Release No. 90835, 86 FR 0630 (January 6, 2021).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91283; File No. SR–NYSEArca–2020–105]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Relating To List and Trade the Shares of the Teucrium Water Fund Under NYSE Arca Rule 8.200–E, Commentary .02

March 9, 2021.

On November 25, 2020, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') 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 the shares (''Shares'') of the Teucrium Water Fund (''Fund'') under NYSE Arca Rule 8.200–E, Commentary .02. The proposed rule change was published for comment in the **Federal Register** on December 14, 2020.[3]

On January 14, 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] The Commission has received no comment letters on the proposed rule change. This order institutes proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change.

I. Summary of the Proposal [7]

The Exchange proposes to list and trade the Shares of the Fund under NYSE Arca Rule 8.200–E, Commentary .02, which governs the listing and trading of Trust Issued Receipts on the Exchange.[8] The Fund, which will be managed and controlled by Teucrium Trading, LLC (''Sponsor''), is a series of Teucrium Commodity Trust (''Trust'').[9] U.S. Bank, N.A. will be the custodian for the Fund, and U.S. Bancorp Fund Services, LLC (''Administrator'') will be the administrator and transfer agent for the Fund.[10] Foreside Fund Services,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90608 (December 8, 2020), 85 FR 80854 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 90927, 86 FR 6719 (January 22, 2021). The Commission designated March 14, 2021, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] The Commission notes that additional information regarding the Trust, the Shares, and the Fund, including investment strategies, calculation of net asset value and indicative fund value, creation and redemption procedures, and additional background information about the water market and water futures contracts, among other things, can be found in the Notice and the registration statement filed with the Commission on Form S–1 (File No. 333–248948) under the Securities Act of 1933, as applicable.

[8] *See* NYSE Arca Rule 8.200–E, Commentary .02. NYSE Arca Rule 8.200–E permits the listing and trading of ''Trust Issued Receipts,'' defined as a security (1) that is issued by a trust that holds specific securities deposited with the trust; (2) that, when aggregated in some specified minimum number, may be surrendered to the trust by the beneficial owner to receive the securities; and (3) that pay beneficial owners dividends and other distributions on the deposited securities, if any are declared and paid to the trustee by an issuer of the deposited securities. Commentary .02 applies to Trust Issued Receipts that invest in ''Financial Instruments,'' which are defined 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.

[9] *See* Notice, 85 FR at 80854.

[10] *See id.*

LLC will serve as the distributor of the Shares (''Distributor'').[11]

According to the Exchange, the investment objective of the Fund is for changes in the Shares' Net Asset Value (''NAV'') to reflect the changes of the price of water rights in the state of California, as measured by the Fund's Benchmark.[12] The ''Benchmark'' is a weighted average of the closing settlement prices for three equally weighted Nasdaq Veles California Water index futures contracts (''Benchmark Component Futures Contracts'') that are traded on the Chicago Mercantile Exchange Inc. (''CME'').[13] The Benchmark Component Futures Contracts are financially settled and trade eight consecutive quarterly contracts (March, June, September, and December) plus the two nearest serial months that are not included in the quarterly contracts.[14] The Benchmark will have three components, consisting of equally weighted Benchmark Component Futures Contracts selected from the following contract months: May, June, July, August, and September.[15] The Benchmark will always hold a June contract month.[16] The Benchmark will roll upon the expiration of the February, May, June, July, and August contract months.[17] The Benchmark is not designed to track the spot price of water or water rights.[18]

The Fund will seek to achieve its investment objective by investing in Benchmark Component Futures Contracts.[19] Under normal market conditions, the Fund expects that 100% of the Fund's assets will be invested in Benchmark Component Futures Contracts and in cash and cash equivalents, such as short-term Treasury Bills, money market funds, demand deposit accounts, and commercial paper.[20] The Fund may, to a lesser extent, obtain exposure to the Benchmark through investment in over-the-counter (''OTC'') swap agreements, OTC forward contracts, both exchange-listed and OTC options, exchange-listed futures, and exchange-listed options on futures.[21] Not more than 10% of the net assets of the Fund in the aggregate invested in exchange-traded futures contracts or exchange-traded options on futures shall consist of futures contracts or options on futures whose principal market is not a member of the Intermarket Surveillance Group (''ISG'') or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement (''CSSA'').[22]

The Fund's NAV per Share will be calculated by taking the current market value of its total assets, subtracting any liabilities, and dividing that total by the number of Shares.[23] The Administrator will calculate the NAV once each trading day, as of the earlier of the close of the New York Stock Exchange or 4:00 p.m. Eastern Standard Time (''E.T.'').[24] In order to provide updated information relating to the Fund for use by investors and market professionals, ICE Data Indices, LLC will calculate an updated ''Indicative Fund Value'' (''IFV''). The IFV will be calculated by using the prior day's closing NAV per Share of the Fund as a base and will be updated throughout the Exchange's Core Trading Session of 9:30 a.m. E.T. to 4:00 p.m. E.T. to reflect changes in the value of the Fund's water interests during the trading day. The IFV will be disseminated on a per-Share basis every 15 seconds during the Exchange's Core Trading Session and be widely disseminated by one or more major market data vendors during the NYSE Arca Core Trading Session.[25]

II. Proceedings To Determine Whether To Approve or Disapprove SR–NYSEArca–2020–105 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[26] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[27] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.''[28]

III. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[29]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by April 5, 2021. Any person who wishes to file a rebuttal to any other person's submission must file

[11] *See id.*

[12] *See id.*

[13] *See id.*

[14] *See id.*

[15] *See id.*

[16] *See id.*

[17] *See id.*

[18] *See* Notice, 85 FR at 80855. According to the Exchange, the Nasdaq Veles California Water Index, which was designed to provide water market participants with a price for water through verifiable price discovery, sets a weekly benchmark spot price of water rights in California, based on the volume-weighted average of the transaction price in California's five largest and most actively traded water markets.

[19] *See id.*

[20] *See id.*

[21] *See id.*

[22] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all components of the Fund may trade on markets that are members of ISG or with which the Exchange has in place a CSSA.

[23] *See* Notice, 85 FR at 80856.

[24] *See id.*

[25] According to the Exchange, several major market data vendors display and/or make widely available IFVs taken from the CTA or other data feeds. In addition, the normal trading hours for Water Futures Contracts on CME are generally shorter than those of NYSE Arca. As a result, there is a gap in time at the beginning and the end of each day during which the Fund's Shares are traded on NYSE Arca, but real-time CME trading prices for Water Futures Contracts are not available. During such gaps, there will be no update to the IFV.

[26] 15 U.S.C. 78s(b)(2)(B).

[27] *Id.*

[28] 15 U.S.C. 78f(b)(5).

[29] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Ame2ndments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

that rebuttal by April 19, 2021. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice,[30] in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on the following:

1. What are commenters' views on whether the market in Benchmark Component Futures Contracts represents a significant market, *i.e.,* a market of significant size?

2. What are commenters' views on the possibility that the Fund could acquire a substantial portion of the market for some or all of the Benchmark Component Futures Contracts? What are commenters' views on whether such a concentration of holdings could affect the Fund's portfolio management, the liquidity of the Fund's portfolio, or the pricing of the Benchmark Component Futures Contracts?

3. What are commenters' views on the risks of price manipulation and fraud in the underlying spot water markets and how these risks might affect the Benchmark Component Futures Contracts? What are commenters' views on how these risks might affect the Fund's NAV and trading in the Shares of the Fund? What are commenters' views on how an investor may evaluate the price of the Shares in light of these risks?

4. In its proposal, the Exchange states that the Fund may obtain exposure to the Benchmark through investment in OTC swap agreements, OTC forward contracts, both exchange-listed and OTC options, exchange-listed futures, and exchange-listed options on futures. What are commenters' views on the current availability and price transparency of the OTC financial instruments? What are commenters' views on the ability of the Fund to invest in these instruments if the underlying spot or futures water market experiences emergencies, disruptions, or significant volatility? What are commenters' views on the potential effect of manipulation in the underlying water markets on the pricing of the Fund's OTC water interests?

5. What are commenters' views on whether the Fund would have the information necessary to adequately value, including fair value, the Fund's Benchmark Component Futures Contracts and other water interests when determining an appropriate NAV for the Fund?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2020–105 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–NYSEArca–2020–105. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2020–105 and should be submitted by April 5, 2021. Rebuttal comments should be submitted by April 19, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–05238 Filed 3–12–21; 8:45 am]

BILLING CODE 8011–01–P

[30] *See* Notice, *supra* note 3.

[31] 17 CFR 200.30–3(a)(57).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16893 and #16894; Louisiana Disaster Number LA–00110]

Presidential Declaration of a Major Disaster for the State of Louisiana

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–4590–DR), dated 03/09/2021.

Incident: Severe Winter Storms.

Incident Period: 02/11/2021 through 02/19/2021.

DATES: Issued on 03/09/2021.

Physical Loan Application Deadline Date: 05/10/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 12/09/2021.

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 03/09/2021, applications for disaster loans may be filed at the address listed above or other locally announced locations. The following areas have been determined to be adversely affected by the disaster:

Primary Parishes (Physical Damage and Economic Injury Loans):

Avoyelles, Bienville, Bossier, Caddo, Calcasieu, Catahoula, Claiborne, Concordia, De Soto, East Baton Rouge, Franklin, Grant, La Salle, Madison, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Webster, West Carroll, Winn.

Contiguous Parishes/Counties (Economic Injury Loans Only):

Louisiana: Allen, Ascension, Beauregard, Caldwell, Cameron, East Carroll, East Feliciana, Evangeline, Iberville, Jackson, Jefferson Davis, Lincoln, Livingston, Morehouse, Pointe Coupee, Saint Helena, Saint Landry, Tensas, Union, Vernon, West Baton Rouge, West Feliciana.

Arkansas: Chicot, Columbia, Lafayette, Miller, Union.

Mississippi: Adams, Warren, Wilkinson.

Texas: Cass, Harrison, Marion,

Newton, Orange, Panola, Sabine, Shelby.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	2.500
Homeowners without Credit Available Elsewhere	1.250
Businesses with Credit Available Elsewhere	6.000
Businesses without Credit Available Elsewhere	3.000
Non-Profit Organizations with Credit Available Elsewhere	2.000
Non-Profit Organizations without Credit Available Elsewhere	2.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.000
Non-Profit Organizations without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 16893 7 and for economic injury is 16894 0.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2021–05243 Filed 3–12–21; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2021–2061]

Petition for Exemption; Summary of Petition Received; AirNet II, LLC

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 5, 2021.

ADDRESSES: Send comments identified by docket number FAA–2016–3686 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, 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 20590–0001, 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 *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://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 go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Natalie Mitchell-Mitchell-Funderburk, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Timothy R. Adams,

Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2016–3686.

Petitioner: AirNet II, LLC.

Section(s) of 14 CFR Affected: § 61.51(f)(2).

Description of Relief Sought: The AirNet II, LLC (AirNet) Baron BE–58 fleet cannot meet the requirements of § 135.99(c)(2), making AirNet ineligible to train a second-in-command (SIC) in the aircraft under an approved SIC professional development program. Therefore, AirNet seeks an exemption from § 61.51(f)(2) of Title 14, Code of Federal Regulations, to the extent necessary to allow AirNet to assign an SIC during a flight that otherwise does not require an SIC, and to allow the SIC to log that flight time.

[FR Doc. 2021–05288 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2021–0006–N–2]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) abstracted below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before May 14, 2021.

ADDRESSES: Submit comments and recommendations for the proposed ICR to Ms. Hodan Wells, Information Collection Clearance Officer at email: *hodan.wells@dot.gov* or telephone: (202) 493–0440. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the

activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, FRA reasons that comments received will advance three objectives: (1) Reduce reporting burdens; (2) organize information collection requirements in a ''user-friendly'' format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Report of Railroad Trespasser Form.

OMB Control Number: 2130–NEW.

Abstract: Trespasser deaths on railroad rights-of-way and other railroad property are the leading cause of fatalities attributable to railroad operations in the United States. To address this serious issue, the railroad industry, governments (Federal, State, and local), and other interested parties must know more about the individuals who trespass. With such knowledge, specific educational programs, materials, and messages regarding the hazards and consequences of trespassing on railroad property can be developed and effectively distributed. Due to the lack of available root cause data, FRA proposes to collect data from law enforcement agencies to develop general profiles of the root causes of trespassing. This will allow FRA and other interested parties, such as Operation Lifesaver, to target audiences with appropriate education and enforcement campaigns to reduce the annual number of injuries and fatalities.

Completion and submission of form FRA F 6180.178 will be required for law enforcement agency grantees, as a condition of FRA's Railroad Trespassing Enforcement Grant. The grantees will complete the form for each trespasser incident in their jurisdiction, describing the trespassers' race/ethnicity, gender and age to the best of their abilities. For law enforcement agencies not receiving FRA's Railroad Trespassing Enforcement grants, completion and submission of this form is voluntary.

For convenience to the respondents, FRA proposes an electronic option where the respondents can respond via a web-based form. The web-based form also will facilitate FRA's ability to maintain the data collected in a more useful and uniform manner, as the dropdown boxes will assist FRA in receiving more standardized responses.

Type of Request: Approval of a new collection of information.

Affected Public: Public authorities.

Form(s): FRA F 6180.178.

Respondent Universe: Law enforcement agencies.

Frequency of Submission: Monthly.

Reporting Burden:

Form	Respondent universe	Total annual responses	Average time per response (minutes)	Total annual burden hours (hours)	Total cost equivalent
Report of Railroad Trespasser Form (New Form FRA F 6180.178).	Law enforcement agencies, grantees.	2,800 forms	10	467	$22,229
	Law enforcement agencies, non-grantees.	500 forms	10	83	3,951
Total [1]	Law enforcement agencies [2]	3,300 responses	N/A	550	26,180

[1] Totals may not add due to rounding.

[2] The hourly wage rate to calculate the dollar cost equivalent for law enforcement employees amounts to $47.60 per hour (an hourly wage rate of $27.40 plus an hourly benefit of $20.20). FRA obtained this information from the Department of Labor, Bureau of Labor Statistics (BLS), Occupational Employment Statistics (OES) 11–3011, classified within NAICS 999200, State Government—excluding schools and hospitals. See *https://www.bls.gov/oes/current/naics4_999200.htm.*

Total Estimated Annual Responses: 3,300.

Total Estimated Annual Burden: 550 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $26,180.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that a respondent is not required to respond to, conduct, or sponsor a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Brett A. Jortland,

Acting Chief Counsel.

[FR Doc. 2021–05309 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[DOT–OST–2014–0031 BTS Paperwork Reduction Notice]

Agency Information Collection; Activity Under OMB Review; Submission of Audit Reports—Part 248

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, 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 U.S. large certificated air carriers to submit a true and complete copy of its annual audit that is made by an independent public accountant. If a carrier does not have an annual audit, the carrier must file a statement that no audit has been performed. Comments are requested concerning whether (1) the audit reports are needed by BTS and DOT; (2) BTS accurately estimated the reporting burden; (3) there are other ways to enhance the quality, utility and clarity of the information collected; and (4) 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 14, 2021.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 and the associated OMB approval #2138–0004 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, (202) 366–4406, *Jeff.gorham@dot.gov,* Office of Airline Information, RTS–42, Room E34, Bureau of Transportation Statistics, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2138–0004.

Title: Submission of Audit Reports—Part 248.

Form No.: None.

Type of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers.

Number of Respondents: 60.

Number of Responses: 60.

Total Annual Burden: 20 hours.

Needs and Uses: BTS collects independent audited financial reports from U.S. certificated air carriers. Carriers not having an annual audit must file a statement that no such audit has been performed. In lieu of the audit report, BTS will accept the annual report submitted to the stockholders. The audited reports are needed by the Department of Transportation as (1) a means to monitor an air carrier's continuing fitness to operate, (2) reference material used by analysts in examining foreign route cases (3) reference material used by analyst in examining proposed mergers, acquisitions and consolidations, (4) a means whereby BTS sends a copy of the report to the International Civil Aviation Organization (ICAO) in fulfillment of a United States treaty obligation, and (5) corroboration of a carrier's Form 41 filings.

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. 2021–05013 Filed 3–12–21; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1099–C and TD 9793

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning cancellation of debt and removal of the 36-month non-payment testing period rule.

DATES: Written comments should be received on or before May 14, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Kinna Brewington, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, at (202) 317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Cancellation of Debt.

OMB Number: 1545–1424.

Form Number: 1099–C.

Regulation Project Number: TD 9793.

Abstract: Form 1099–C is used by Federal government agencies, financial institutions, and credit unions to report the cancellation or forgiveness of a debt of $600 or more, as required by section 6050P of the Internal Revenue Code. The IRS uses the form to verify compliance with the reporting rules and to verify that the debtor has included the proper amount of canceled debt in income on his or her income tax return.

TD: 9793.

Abstract: These regulations under section 6050P of the Internal Revenue Code (Code), relating to the rule in § 1.6050P–1(b)(2)(iv) that the 36-month non-payment testing period is an identifiable event triggering an information reporting obligation on Form 1099–C for discharge of indebtedness by certain entities.

Current Actions: There are no changes being made to the form or regulation at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, and the Federal government.

Estimated Number of Responses: 6,540,900.

Estimated Time per Response: 13 mins.

Estimated Total Annual Burden Hours: 1,438,998.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments will be of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 8, 2021.

Martha R. Brinson,

Tax Analyst.

[FR Doc. 2021–05274 Filed 3–12–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Special Medical Advisory Group, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Special Medical Advisory Group (the Committee) will meet on March 26, 2021, from 9:30 a.m. EDT to 3:30 p.m. EDT. The meeting is open to the public. The public will only be able to attend virtually. Members of the Committee may join in person or virtually.

The public can join by phone: 1–404–397–1596, Access code 1992896662 or via Webex (please contact POC below for assistance connecting): *https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=m410bc0be78b47b097b592784648aae8c.*

The purpose of the Committee is to advise the Secretary of Veterans Affairs and the Under Secretary for Health on the care and treatment of Veterans, and other matters pertinent to the Veterans Health Administration (VHA).

On March 26, 2021, the agenda for the meeting will include discussions regarding data modernization, major construction campaigns, innovation and human capital in medical systems, and an update on Veterans mental health.

Members of the public may submit written statements for review by the Committee to: Department of Veterans Affairs, Special Medical Advisory Group—Office of Under Secretary for Health (10), Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420 or by email at *VASMAGDFO@va.gov.* Comments will be accepted until close of business on March 24, 2021. In the communication, the writers must identify themselves and state the organization, association of person(s) they represent.

Any member of the public wishing to attend the meeting or seeking additional information should email *VASMAGDFO@va.gov* or call 202–461–7000.

Dated: March 9, 2021.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2021–05251 Filed 3–12–21; 8:45 am]

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Federal Register

Vol. 86, No. 48

Monday, March 15, 2021

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**

Presidential Documents

Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**

Other Services

Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**

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FEDERAL REGISTER PAGES AND DATE, MARCH

11847–12078 1
12079–12256 2
12257–12514 3
12515–12798 4
12799–13148 5
13149–13442 8
13443–13622 9
13623–13796 10
13797–13970 11
13971–14220 12
14221–14362 15

CFR PARTS AFFECTED DURING MARCH

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
10149 11847
10150 12515
10151 12517
10152 12519
10153 12523
10154 12525
10155 12527

Executive Orders:
14017 11849
14018 11855
14019 13623
14020 13797
14021 13803

Administrative Orders:
Memorandums:
NSPM-16 of February 7, 2019 (amended by EO 14020) 13797
Notices:
Notice of March 2, 2021 12793
Notice of March 2, 2021 12795
Notice of March 2, 2021 12797
Notice of March 5, 2021 13621

5 CFR

532 .....11857, 12799

Proposed Rules:
849 13217

6 CFR

Ch. I 13971

7 CFR

983 12799

Proposed Rules:
800 12119
984 12837

8 CFR

103 14221
106 14221
212 14221
213 14221
214 14221
245 14221
248 14221

9 CFR

Proposed Rules:
Ch. I 13221
Ch. III 13221
149 12293
307 12122
350 12122
352 12122
354 12122
362 12122
381 12122
533 12122
590 12122
592 12122

12 CFR

228 13805
302 12079

Proposed Rules:
700 13494
701 13494
702 13498
703 .....13494, 13498
704 13494
713 13494
1026 12839

13 CFR

120 13149

14 CFR

1 13629
11 .....13629, 13630
21 13630
25 .....14229, 14231, 14233, 14234, 14237
39 .....12086, 12802, 12804, 12807, 12809, 13157, 13159, 13162, 13165, 13443, 13445, 13631, 13633, 13637, 13640, 13805, 13807, 13809, 13811, 13814, 13972, 13975, 13982, 13985, 13987, 13989, 14238, 14241
43 13630
47 13629
48 13629
71 .....11859, 11860, 13168, 13169, 13171, 13172, 13447, 13448, 13642, 13644, 13992
89 13629
91 13629
97 .....12812, 12815, 12816, 12819
107 .....13629, 13630
401 13448
404 13448
413 13448
414 13448
415 13448
417 13448
420 13448
431 13448
433 13448
435 13448
437 13448
440 13448
450 13448
460 13448
1264 14244
1271 14244

Proposed Rules:
39 .....12127, 12294, 12550,

12857, 12862, 13222, 13225, 13228, 13229, 13232, 13234, 13237, 13239, 13502, 13505, 13665, 13828, 13830, 13833, 13836, 13838, 13841, 14017, 14020, 14023, 14281, 14283, 14285, 14289, 14290, 14293
71 .....12129, 12865, 12866, 12868, 13242, 13244, 13246, 13247, 13249, 13668, 13670, 14026, 14293, 14295
73.....12552

15 CFR

740.....13173
742.....13173
744 .....12529, 13173, 13179

16 CFR

317.....12091

17 CFR

201.....13645
275.....13024
279.....13024

18 CFR

157.....12257
Proposed Rules:
4.....13506
5.....13506
35.....12132
284.....12132, 12879

19 CFR

4.....14245
12.....13993
Ch. I.....12534
122.....14245
123.....14245
145.....14245
149.....14245

20 CFR

655.....13995
656.....13995

21 CFR

510.....13181
516.....13181
520.....13181
522.....13181
524.....13181
526.....13181
529.....13181
556.....13181
558.....13181
1308.....11862, 12257
Proposed Rules:
1308.....12296

22 CFR

Proposed Rules:
213.....11905

24 CFR

3280.....13645
3282.....13645
3285.....13645

26 CFR

1 .....12821, 13191, 13647, 13648
Proposed Rules:
1.....12886, 13250

29 CFR

780.....12535
788.....12535
795.....12535
4044.....14280
Proposed Rules:
103.....14297
780.....14027
788.....14027
791.....14038
795.....14027
2204.....13251

31 CFR

16.....12537
27.....12537
35.....13449
50.....12537

33 CFR

100.....13998
117.....12821
165 .....12539, 12541, 12543, 13649, 13651, 13653
Proposed Rules:
96.....11913
165.....12887

34 CFR

Proposed Rules:
Ch. III.....12136, 14048
361.....13511

37 CFR

210.....12822

40 CFR

49.....12260
52 .....11867, 11870, 11872, 11873, 11875, 11878, 12092, 12095, 12107, 12263, 12265, 12270, 12827, 13191, 13655, 13658, 13816, 13819, 14000, 14007
62.....12109, 13459
63.....13819
81.....12107
141.....12272, 14003
180 .....12829, 13196, 13459
271.....12834
282.....12110
Proposed Rules:
52 .....11913, 11915, 12143, 12305, 12310, 12554, 12889, 13254, 13256, 13260, 13264, 13511, 13514, 13671, 13679, 13843, 14055, 14061, 14297, 14299
62.....11916
81.....12892
141.....13846, 14063
257.....14066
271.....12895
282.....12145

42 CFR

Proposed Rules:
51c.....13872

43 CFR

8365.....14009

44 CFR

64.....12117
Proposed Rules:
206.....14067

45 CFR

1230.....13822
2554.....13822
Proposed Rules:
160.....13683
164.....13683

46 CFR

401.....14184
404.....14184
Proposed Rules:
71.....11913
115.....11913
176.....11913

47 CFR

0.....12545
1.....12545
25.....11880
27.....13659
74.....13660
Proposed Rules:
1 .....12146, 12312, 12556, 12898
2.....13266
9.....12399
15.....13266
25.....13266
27.....12146, 13266
63.....12312
73 .....12161, 12162, 12163, 12556, 12898, 13278, 13516, 13684
101.....13266

48 CFR

Ch. 1.....13794
4.....13794
52.....13794

49 CFR

191.....12834
192.....12834, 12835
209.....11888
211.....11888
389.....11891
Ch. XII.....13971
Proposed Rules:
571.....13684

50 CFR

17 .....11892, 13200, 13465
300.....13475
635 .....12291, 12548, 13491
648.....13823, 14012
660.....13824
679 .....11895, 13215, 13493, 14013, 14014, 14015
680.....11895
Proposed Rules:
17.....12563
223.....13517, 13518
226.....13517, 13518
622.....12163, 12166
648.....12591

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *https://www.archives.gov/federal-register/laws*.

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H.R. 1319/P.L. 117–2
American Rescue Plan Act of 2021 (Mar. 11, 2021; 135 Stat. 4)
Last List January 25, 2021

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