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# FEDERAL REGISTER

Vol. 86 Tuesday

No. 74 April 20, 2021

Pages 20435–20614

OFFICE OF THE FEDERAL REGISTER

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**Reader Aids**

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# Rules and Regulations

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

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

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Parts 831 and 842

**RIN 3206–AO07**

### Civil Service Retirement System and Federal Employees Retirement System; Correcting Miscalculations in Veterans' Pension Act

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing this final rule to implement the provisions of the ''Correcting Miscalculations in Veterans' Pensions Act.'' This Act provides authority for agencies and OPM to pay, at their discretion, interest on certain deposits (post-1956 military service deposits and service credit deposits for voluntary service with the Peace Corps and Volunteers in Service to America (VISTA)) when additional interest is assessed due to administrative error. Agencies need to establish their own guidelines for waiver, subject to funding limitations that may prevent reimbursement by the agency. These regulations also pertain to payments made by OPM with regard to service credit deposits for volunteer service.

**DATES:** Effective April 20, 2021.

**FOR FURTHER INFORMATION CONTACT:** Jane Bancroft, (202) 606–0299, Email: *Comboxinternet@opm.gov.* Include Docket No. or RIN in the subject line of the email.

**SUPPLEMENTARY INFORMATION:**

## Background

On November 5, 2020, OPM issued a proposed rule at 85 FR 70502 for the purpose of proposing regulations meant to implement the provisions of Public Law 115–352, 132 Stat. 5067 (2018) (codified at 5 U.S.C. 101), also known as the ''Correcting Miscalculations in Veterans' Pensions Act,'' which was enacted on December 21, 2018. Under this law, if an employing agency makes an administrative error in processing certain annuity deposits for post-1956 military service or certain volunteer service with the Peace Corps or Volunteers in Service to America (VISTA), the employing agency, or OPM in certain situations, may, at its discretion, pay on behalf of the employee any additional interest assessed due to its administrative error.

Agencies are responsible for establishing their own guidelines for what constitutes administrative error and whether a payment is made. OPM has no role or authority in the agency's decision. Also, OPM is responsible for establishing its own guidelines for what constitutes administrative error and whether a payment is made.

Employees covered under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS) with post-1956 military service may pay a deposit plus interest to their employing agency for post-1956 military service. Payment of the deposit guarantees that the employee and survivors will continue to receive retirement credit for the post-1956 military service, regardless of entitlement to Social Security benefits at age 62. Interest on deposits for post-1956 military service accrues and compounds annually after a 2-year interest-free grace period after the individual first becomes an employee or Member.

Deposits for post-1956 military service are paid to the employing agency. The employing agency is responsible for counseling the employee regarding paying the deposit and the consequences of not paying the deposit, processing the application, calculating the deposit amount, billing the employee, and collecting the payment. Administrative error by the agency may result in an increase in the amount of interest due. If the administrative error results in an increase in interest due, then the employing agency may, at its discretion, pay on behalf of the employee any additional interest assessed due to its administrative error.

After a CSRS or FERS employee's retirement, OPM has a responsibility to ensure that retirement documents are not in conflict regarding payment of the deposit for post-1956 military service. If there is conflict, then it is OPM's responsibility to resolve the deposit status with the agency. If the retiring employee's statements on the application are in conflict with the agency's certification of service or any other documents submitted by the agency regarding payment of the deposit for post-1956 military service, then it is OPM's responsibility to resolve the deposit status with the retiring employee. Administrative error by OPM may result in an increase in the amount of interest due. If additional interest was assessed due to administrative error on OPM's part, then OPM may pay on behalf of the employee any additional interest assessed due to its administrative error.

Full-time volunteer service as a volunteer or volunteer leader with the Peace Corps or VISTA that was performed at any time before separation from federal civilian service is generally creditable under CSRS or FERS with payment of a service credit deposit. Though considered civilian service, the treatment of Peace Corps and VISTA volunteer service is similar to that of military service (see 5 CFR part 831 and 842.307 and 842.308) in that the credit is tied to eligibility for Social Security benefits. Payment of the deposit guarantees that the employee and survivors will continue to receive retirement credit for the volunteer service, regardless of entitlement to Social Security benefits. Like the calculation of interest for military deposits, the interest on deposits for volunteer service accrues and compounds annually after a 2-year interest-free grace period. For both current and former employees, interest begins to accrue on deposits for volunteer service on October 1, 1995, or 2 years after the date on which the individual first becomes an employee or Member, whichever is later.

Deposits for Peace Corps and VISTA volunteer service are paid directly to OPM. The employing agency is responsible for counseling the employee regarding the deposit, and for verifying the earnings. OPM is responsible for processing the service credit deposit application, calculating the deposit, billing the employee, and collecting the payment.

The decision to pay or not pay interest due to its administrative error on a deposit for post-1956 military service is made by the employing

agency or OPM, depending on who is making the administrative error determination. The decision to pay or not pay interest due to its administrative error for a service credit deposit for Peace Corps/VISTA volunteer service is up to the employing agency or OPM, whichever agency is making the decision regarding administrative error. OPM has no role or authority in another agency's decision.

Currently, employees interested in making service credit deposits for Peace Corps or VISTA volunteer service submit the service credit application to the employing agency for development and review. The agency then forwards the application to OPM for processing and billing. The employee pays the service credit deposit amount directly to OPM. This process will not change due to the implementation of Public Law 115–352. Since both the agency and OPM have a role in processing service credit deposits for Peace Corps or VISTA volunteer service, either the employing agency or OPM could make an administrative error. If an administrative error results in an increase in interest due, then the employing agency or OPM, may, at its discretion, pay on behalf of the employee any additional interest assessed due to its administrative error.

Public Law 115–352 specifies that if an employing agency makes an administrative error in processing deposits for post-1956 military service or full-time volunteer service as a volunteer or volunteer leader with the Peace Corps or VISTA that increases the amount of interest owed on the deposit, the employing agency or OPM (as described above) may pay on behalf of the employee any additional interest assessed due to the administrative error. Agencies are responsible for establishing their own guidelines for what constitutes administrative error and whether a payment is made. OPM has no role or authority in the decision.

Public Law 115–352 also provides that, for volunteer service deposits, if the administrative error is committed by OPM, then OPM may pay on behalf of the employee any additional interest assessed due to the administrative error. Any payment of additional interest OPM may make on behalf of the employee is paid from the Civil Service Retirement and Disability Fund.

This rule is necessary to implement the authority so the employing agency or OPM, on behalf of an employee, may make interest payments on interest accrued due to administrative error. Until this legislation, there was no authority to permit payment by an agency or OPM of interest that accrued due to its administrative error. The burden to pay the additional interest was on the employee. This legislation should be an incentive for agencies and OPM to perform better and, therefore, result in fewer findings of administrative error.

The public comment period on the proposed rule ended January 4, 2021. OPM received one written comment from a private citizen. The commenter questioned why this rule does not apply to redeposit miscalculations by OPM. Having considered the comment, OPM concluded that it may not adopt the commenter's suggestion. Because the retirement benefits afforded to parties in this circumstance are permitted by statute, OPM's rules implementing those provisions may not alter the statutory provisions enacted.

**Regulatory Impact Analysis**

OPM has examined the impact of this rule as required by Executive Order 12866 and Executive Order 13563, which directs 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. This rule is not a ''significant regulatory action,'' under Executive Order 12866.

**Regulatory Flexibility Act**

The Office of Personnel Management certifies that this rule will not have a significant economic impact on a substantial number of small entities.

**Federalism**

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative impact on the rights, roles, and responsibilities of State, local, or tribal governments.

**Civil Justice Reform**

This regulation meets the applicable standard set forth in Executive Order 12988.

**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 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.

**Congressional Review Act**

The Congressional Review Act (5 U.S.C. 801 *et seq.*) requires rules to be submitted to Congress before taking effect. OPM will submit to Congress and the Comptroller General of the United States a report regarding the issuance of this rule before its effective date, as required by 5 U.S.C. 801. This rule is not a major rule as defined by the Congressional Review Act (CRA) (5 U.S.C. 804).

**Paperwork Reduction Act**

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act.

**List of Subjects**

*5 CFR Part 831*

Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Reporting and recordkeeping requirements, Retirement.

*5 CFR Part 842*

Air traffic controllers, Alimony, Firefighters, Law enforcement officers, Pensions, Retirement.

Office of Personnel Management.

**Alexys Stanley,**

*Regulatory Affairs Analyst.*

For the reasons stated in the preamble, the Office of Personnel Management amends 5 CFR parts 831 and 842 as follows:

## PART 831—RETIREMENT

■ 1. Revise the authority citation for part 831 to read as follows:

**Authority:** 5 U.S.C. 8347; Sec. 831.102 also issued under 5 U.S.C. 8334; Sec. 831.106 also issued under 5 U.S.C. 552a; Sec. 831.108 also issued under 5 U.S.C. 8336(d)(2); Sec. 831.114 also issued under 5 U.S.C. 8336(d)(2) and Sec. 1313(b)(5) of Pub. L. 107–296, 116 Stat. 2135; Sec. 831.201(b)(1) also issued under 5 U.S.C. 8347(g); Sec. 831.201(b)(6) also issued under 5 U.S.C. 7701(b)(2); Sec. 831.201(g) also issued under Secs. 11202(f), 11232(e), and 11246(b) of Pub. L. 105–33, 111 Stat. 251; Sec. 831.201(g) also issued under Secs. 7(b) and (e) of Pub. L. 105–274, 112 Stat. 2419; Sec. 831.201(i) also issued under Secs. 3 and 7(c) of Pub. L. 105–274, 112 Stat. 2419; Sec. 831.202 also issued under Sec. 111 of Pub. L. 99–500, 100 Stat. 1783, and Sec. 111 of Pub. L. 99–591, 100 Stat. 3341–348, and also Sec. 1 of Pub. L. 110–279, 122 Stat. 2602, as amended by Sec. 1(a) of Pub. L. 116–21, 133 Stat. 903; Sec. 831.204 also issued under Sec. 102(e) of Pub. L. 104–8, 109 Stat. 102, as amended by Sec. 153 of Pub. L. 104–134, 110 Stat. 1321; Sec. 831.205 also issued

under Sec. 2207 of Pub. L. 106–265, 114 Stat. 784; Sec. 831.206 also issued under Sec. 1622(b) of Pub. L. 104–106, 110 Stat. 515; Sec. 831.301 also issued under Sec. 2203 of Pub. L. 106–265, 114 Stat. 780; Sec. 831.303 also issued under 5 U.S.C. 8334(d)(2) and Sec. 2203 of Pub. L. 106–235, 114 Stat. 780; Sec. 831.502 also issued under 5 U.S.C. 8337, and under Sec. 1(3), E.O. 11228, 3 CFR 1965–1965 Comp. p. 317; Sec. 831.663 also issued under 5 U.S.C. 8339(j) and (k)(2); Secs. 831.663 and 831.664 also issued under Sec. 11004(c)(2) of Pub. L. 103–66, 107 Stat. 412; Sec. 831.682 also issued under Sec. 201(d) of Pub. L. 99–251, 100 Stat. 23; Sec. 831.912 also issued under Sec. 636 of Appendix C to Pub. L. 106–554, 114 Stat. 2763A–164; Subpart P also issued under Sec. 535(d) of Title V of Division E of Pub. L. 110–161, 121 Stat. 2042; Subpart Q also issued under 5 U.S.C. 8336a; Subpart V also issued under 5 U.S.C. 8343a and Sec. 6001 of Pub. L. 100–203, 101 Stat. 1330–275; Sec. 831.2203 also issued under Sec. 7001(a)(4) of Pub. L. 101–508, 104 Stat. 1388–328; Pub. L. 115–352, 132 Stat. 5067 (5 U.S.C. 101).

## Subpart A—Administration and General Provisions

■ 2. Amend § 831.105 by adding paragraph (k) to read as follows:

### § 831.105 Computation of interest.

* * * * *

(k) If OPM determines that additional interest was assessed on a deposit for full-time volunteer service as a volunteer or a volunteer leader with the Peace Corps or Volunteers in Service to America (VISTA) due to its own administrative error, OPM may pay, on behalf of the employee, Member, or annuitant, any additional interest assessed due to the administrative error.

## Subpart U—Deposits for Military Service

■ 3. Amend § 831.2107 by adding paragraph (c) to read as follows:

### § 831.2107 Payments on deposits.

* * * * *

(c)(1) When an administrative error occurs by the employing agency in calculating or processing a military service deposit, interest assessed as a result of the administrative error may be paid by the agency, the Clerk of the House of Representatives, or the Secretary of the Senate on behalf of the employee. The agency, Clerk of the House of Representatives, or the Secretary of the Senate will determine if administrative error occurred.

(2) When an administrative error occurs by OPM in calculating or processing a military service deposit, interest assessed as a result of the administrative error may be paid by OPM on behalf of the employee. OPM will determine if administrative error occurred. Any payment of additional interest of behalf of the employee is paid from the Civil Service Retirement and Disability Fund.

■ 4. Add subpart X to read as follows:

## Subpart X—Peace Corps

Sec.
831.2401 Purpose.
831.2402 Allowable service.
831.2403 Deposits for service.
831.2404 Additional interest due to administrative error.

### § 831.2401 Purpose.

This subpart contains regulations of the Office of Personnel Management (OPM) to supplement chapter 34 of title 22, United States Code, concerning CSRS retirement service credit eligibility for satisfactory Peace Corps volunteer and volunteer leader service.

### § 831.2402 Allowable service.

(a) Service credit deposits are not allowed for training periods prior to actual enrollment.

(b) Service credit deposits can only be made for satisfactory volunteer and volunteer leader service.

(c) Annuitants enrolling as a volunteer or volunteer leader are not deemed reemployed annuitants. Service as a volunteer or volunteer leader performed after retiring under a CSRS or FERS retirement is not creditable service for retirement purposes.

### § 831.2403 Deposits for service.

(a) An employee or Member subject to CSRS may make a deposit for volunteer and volunteer leader service by filing an application in a form prescribed by OPM.

(b) The deposit is based upon the amount of the stipend that was received. If an educational award was elected in lieu of the stipend, then the deposit is based on the amount of the stipend that would have been received.

(c) An application to make a deposit is filed with the appropriate office in the employing agency, or, for Members and Congressional employees, with the Secretary of the Senate, or the Clerk of the House of Representatives, as appropriate.

(d) Upon receipt and review of the application from the employee, the agency, Clerk of the House of Representatives, or Secretary of the Senate will submit the application to OPM for processing.

(e) Interest begins to accrue on deposits for volunteer service on October 1, 1995, or 2 years after the date on which the individual first becomes an employee or Member, whichever is later.

(f) After becoming federally employed, there is a 2-year interest-free grace period on Peace Corps volunteer and volunteer leader service deposits. After the 2-year period, interest is accrued and compounded annually at the variable rate beginning on the date of the expiration of the 2-year period.

### § 831.2404 Additional interest due to administrative error.

(a) The employing agency, Clerk of the House of Representatives, or Secretary of the Senate, as appropriate, may pay any additional interest due on the deposit for volunteer or volunteer leader service as a result of its administrative error. OPM may pay any additional interest due on the deposit for Peace Corps service as a result of its administrative error.

(b) The employing agency, Clerk of the House of Representatives, or Secretary of the Senate, as appropriate, shall set their own procedures for employees or Members to claim there was administrative error. OPM shall set its own procedures for claims of administrative error on its part.

(c) The employing agency, Clerk of the House of Representatives, or Secretary of the Senate, as appropriate, shall determine if administrative error on its part caused an increase in interest due on the deposit amount. OPM shall determine if administrative error on its part caused an increase in interest due on the deposit amount.

(d) OPM's final determination regarding a claim of administrative error on its part is not subject to the due process procedures described in 5 U.S.C. 8461(e).

■ 5. Add subpart Y to read as follows:

## Subpart Y—Volunteers in Service to America (VISTA)

Sec.
831.2501 Purpose.
831.2502 Allowable service.
831.2503 Deposits for service.
831.2504 Additional interest due to administrative error.

### § 831.2501 Purpose.

This subpart contains regulations of the Office of Personnel Management (OPM) to supplement chapter 66, title 42, United States Code, concerning CSRS retirement service credit eligibility for Volunteers in Service to America (VISTA) volunteers.

### § 831.2502 Allowable service.

(a) Service credit deposits are not allowed for training periods prior to actual enrollment.

(b) Service credit deposits can only be made for satisfactory volunteer service.

(c) Annuitants enrolling as VISTA volunteers are not deemed reemployed annuitants. Service as a volunteer or volunteer leader performed after retiring under a CSRS or FERS retirement is not creditable serviced for retirement purposes.

(d) Retirement credit is not allowable for training period(s) prior to actual enrollment.

**§ 831.2503 Deposits for service.**

(a) An employee or Member subject to CSRS may make a deposit for volunteer service by filing an application in a form prescribed by OPM.

(b) The deposit is based upon the amount of the stipend that was received. If an educational award was elected in lieu of the stipend, then the deposit is based on the amount of the stipend that would have been received.

(c) An application to make a deposit is filed with the appropriate office in the employing agency, or, for Members and Congressional employees, with the Secretary of the Senate, or the Clerk of the House of Representatives, as appropriate.

(d) Upon receipt and review of the application, the agency, Clerk of the House of Representatives, or Secretary of the Senate will submit the application to OPM for processing.

(e) Interest begins to accrue on deposits for volunteer service on October 1, 1995, or 2 years after the date on which the individual first becomes an employee or Member, whichever is later.

(f) After becoming federally employed, there is a 2-year interest-free grace period on VISTA volunteer service deposits. After the 2-year period, interest is accrued and compounded annually at the variable rate beginning on the date of the expiration of the 2-year period.

(g) A deposit is required in order to obtain service credit for VISTA volunteer service for which the volunteer chose to receive an educational award in lieu of a stipend. The deposit is based upon the amount of the stipend that would have been received if he/she had elected to receive the stipend rather than an educational award.

**§ 831.2504 Additional interest due to administrative error.**

(a) The employing agency, Clerk of the House of Representatives, or Secretary of the Senate, as appropriate, may pay any additional interest due on the deposit for volunteer or volunteer leader service as a result of its administrative error. OPM may pay any additional interest due on the deposit for VISTA service as a result of its administrative error.

(b) The employing agency, Clerk of the House of Representatives, or Secretary of the Senate, as appropriate, shall set their own procedures for employees or Members to claim there was administrative error. OPM shall set its own procedures for claims of administrative error on its part.

(c) The employing agency, Clerk of the House of Representatives, or Secretary of the Senate, as appropriate, shall determine if administrative error on its part caused an increase in interest due on the deposit amount for their employees. OPM shall determine if administrative error on its part caused an increase in interest due on the deposit amount.

(d) OPM's final determination regarding a claim of administrative error on its part is not subject to the due process procedures described in 5 U.S.C. 8461(e).

## PART 842—FEDERAL EMPLOYEES RETIREMENT SYSTEM-BASIC ANNUITY

■ 6. Revise the authority citation for part 842 to read as follows:

**Authority:** 5 U.S.C. 8461(g); Secs. 842.104 and 842.106 also issued under 5 U.S.C. 8461(n); Sec. 842.104 also issued under Secs. 3 and 7(c) of Pub. L. 105–274, 112 Stat. 2419; Sec. 842.105 also issued under 5 U.S.C. 8402(c)(1) and 7701(b)(2); Sec. 842.106 also issued under Sec. 102(e) of Pub. L. 104–8, 109 Stat. 102, as amended by Sec. 153 of Pub. L. 104–134, 110 Stat. 1321–102; Sec. 842.107 also issued under Secs. 11202(f), 11232(e), and 11246(b) of Pub. L. 105–33, 111 Stat. 251, and Sec. 7(b) of Pub. L. 105–274, 112 Stat. 2419; Sec. 842.108 also issued under Sec. 7(e) of Pub. L. 105–274, 112 Stat. 2419; Sec. 842.109 also issued under Sec. 1622(b) of Pub. L. 104–106, 110 Stat. 515; Sec. 842.110 also issued under Sec. 111 of Pub. L. 99–500, 100 Stat. 1783, and Sec. 111 of Pub. L. 99–591, 100 Stat. 3341–348, and also Sec. 1 of Pub. L. 110–279, 122 Stat. 2602, as amended by Sec. 1(a) of Pub. L. 116–21, 133 Stat. 903; Sec. 842.208 also issued under Sec. 535(d) of Title V of Division E of Pub. L. 110–161, 121 Stat. 2042; Sec. 842.213 also issued under 5 U.S.C. 8414(b)(1)(B) and Sec. 1313(b)(5) of Pub. L. 107–296, 116 Stat. 2135; Secs. 842.304 and 842.305 also issued under Sec. 321(f) of Pub. L. 107–228, 116 Stat. 1383; Secs. 842.604 and 842.611 also issued under 5 U.S.C. 8417; Sec. 842.607 also issued under 5 U.S.C. 8416 and 8417; Sec. 842.614 also issued under 5 U.S.C. 8419; Sec. 842.615 also issued under 5 U.S.C. 8418; Sec. 842.703 also issued under Sec. 7001(a)(4) of Pub. L. 101–508, 104 Stat. 1388; Sec. 842.707 also issued under Sec. 6001 of Pub. L. 100–203, 101 Stat. 1300; Sec. 842.708 also issued under Sec. 4005 of Pub. L. 101–239, 103 Stat. 2106, and Sec. 7001 of Pub. L. 101–508, 104 Stat. 1388; Subpart H also issued under 5 U.S.C. 1104; Sec. 842.810 also issued under Sec. 636 of Appendix C to Pub. L. 106–554 at 114 Stat. 2763A–164; Sec. 842.811 also issued under Sec. 226(c)(2) of Pub. Law 108–176, 117 Stat. 2529; Subpart J also issued under Sec. 535(d) of Title V of Division E of Pub. L. 110–161, 121 Stat. 2042; Pub. L. 115–352, 132 Stat. 5067 (5 U.S.C. 101).

### Subpart C—Credit for Service

■ 7. Amend § 842.305 by adding paragraph (k) to read as follows:

**§ 842.305 Deposits for civilian service.**

* * * * *

(k) *Administrative error.* If OPM determines that additional interest was assessed on a deposit for full-time volunteer service as a volunteer or a volunteer leader with the Peace Corps or Volunteers in Serviced to America (VISTA) due to its own administrative error, OPM may pay, on behalf of the employee, Member, or annuitant, any additional interest assessed due to the administrative error.

■ 8. Amend § 842.307 by adding paragraph (e) to read as follows:

**§ 842.307 Deposits for military service.**

* * * * *

(e) *Administrative error.* (1) When an administrative error occurs by the employing Agency in calculating or processing a military service deposit, interest assessed as a result of the administrative error may be paid by the agency, the Clerk of the House of Representatives, or the Secretary of the Senate on behalf of the employee. The agency, Clerk of the House of Representatives, or the Secretary of the Senate will determine if administrative error occurred.

(2) When an administrative error occurs by OPM in calculating or processing a military service deposit, interest assessed as a result of the administrative error may be paid by OPM on behalf of the employee. OPM will determine if administrative error occurred. Any payment of additional interest of behalf of the employee is paid from the Civil Service Retirement and Disability Fund.

■ 9. Add subpart K to read as follows:

### Subpart K—Peace Corps

Sec.
842.1101 Purpose.
842.1102 Allowable service.
842.1103 Deposits for service.
842.1104 Additional interest due to administrative error.

**§ 842.1101 Purpose.**

This subpart contains regulations of the Office of Personnel Management (OPM) to supplement chapter 34 of title 22, United States Code, concerning

FERS retirement service credit eligibility for satisfactory Peace Corps volunteer and volunteer leader service.

**§ 842.1102 Allowable service.**

(a) Service credit deposits are not allowed for training periods prior to actual enrollment.

(b) Service credit deposits can only be made for satisfactory volunteer and volunteer leader service.

(c) Annuitants enrolling as a volunteer or volunteer leader are not to be deemed reemployed annuitants. Service as a volunteer or volunteer leader performed after retiring under a CSRS or FERS retirement is not creditable serviced for retirement purposes.

**§ 842.1103 Deposits for service.**

(a) An employee or Member subject to FERS may make a deposit for volunteer and volunteer leader service by filing an application in a form prescribed by OPM.

(b) The deposit is based upon the amount of the stipend that was received. If an educational award was elected in lieu of the stipend, then the deposit is based on the amount of the stipend that would have been received.

(c) An application to make a deposit is filed with the appropriate office in the employing agency, or, for Members and Congressional employees, with the Secretary of the Senate, or the Clerk of the House of Representatives, as appropriate.

(d) Upon receipt and review of the application, the agency, Clerk of the House of Representatives, or Secretary of the Senate will submit the application to OPM for processing.

(e) Interest begins to accrue on deposits for volunteer service on October 1, 1995, or 2 years after the date on which the individual first becomes an employee or Member, whichever is later.

(f) After becoming federally employed, there is a 2-year interest-free grace period on Peace Corps volunteer and volunteer leader service deposits. After the 2-year period, interest is accrued and compounded annually at the variable rate beginning on the date of the expiration of the 2-year period.

**§ 842.1104 Additional interest due to administrative error.**

(a) The agency, Clerk of the House of Representatives, or Secretary of the Senate, as appropriate, may pay any additional interest due on the deposit for volunteer or volunteer leader service as a result of its administrative error. OPM may pay any additional interest due on the deposit for Peace Corps service as a result of its administrative error.

(b) The agency, Clerk of the House of Representatives, or Secretary of the Senate, as appropriate, shall set their own procedures for employees or Members to claim there was administrative error. OPM shall set its own procedures for claims of administrative error on its part.

(c) The agency, Clerk of the House of Representatives, or Secretary of the Senate, as appropriate, shall determine if administrative error on its part caused an increase in interest due on the deposit amount. OPM shall determine if administrative error on its part caused an increase in interest due on the deposit amount.

(d) OPM's final determination regarding a claim of administrative error on its part is not subject to the due process procedures described in 5 U.S.C. 8461(e).

■ 10. Add subpart L to read as follows:

## Subpart L—Volunteers in Service to America (VISTA)

Sec.

842.1201 Purpose.
842.1202 Allowable service.
842.1203 Deposits for service.
842.1204 Additional interest due to administrative error.

**§ 842.1201 Purpose.**

This subpart contains regulations of the Office of Personnel Management (OPM) to supplement chapter 66, title 42, United States Code, concerning CSRS retirement service credit eligibility for Volunteers in Serviced to America (VISTA) volunteers.

**§ 842.1202 Allowable service.**

(a) Service credit deposits are not allowed for training periods prior to actual enrollment.

(b) Service credit deposits can only be made for satisfactory volunteer service.

(c) Annuitants enrolling as VISTA volunteers are not deemed reemployed annuitants. Service as a volunteer or volunteer leader performed after retiring under a CSRS or FERS retirement is not creditable serviced for retirement purposes.

(d) Retirement credit is not allowable for training period(s) prior to actual enrollment.

**§ 842.1203 Deposits for service.**

(a) An employee or Member subject to CSRS may make a deposit for volunteer service by filing an application in a form prescribed by OPM.

(b) The deposit is based upon the amount of the stipend that was received. If an educational award was elected in lieu of the stipend, then the deposit is based on the amount of the stipend that would have been received.

(c) An application to make a deposit is filed with the appropriate office in the employing agency, or, for Members and Congressional employees, with the Secretary of the Senate, or the Clerk of the House of Representatives, as appropriate.

(d) Upon receipt and review of the application, the agency, Clerk of the House of Representatives, or Secretary of the Senate will submit the application to OPM for processing.

(e) Interest begins to accrue on deposits for volunteer service on October 1, 1995, or 2 years after the date on which the individual first becomes an employee or Member, whichever is later.

(f) After becoming federally employed, there is a 2-year interest-free grace period on VISTA volunteer service deposits. After the 2-year period, interest is accrued and compounded annually at the variable rate beginning on the date of the expiration of the 2-year period.

(g) A deposit is required in order to obtain service credit for VISTA volunteer service for which the volunteer chose to receive an educational award in lieu of a stipend. The deposit is based upon the amount of the stipend that would have been received if he/she had elected to receive the stipend rather than an educational award.

**§ 842.1204 Additional interest due to administrative error.**

(a) The agency, Clerk of the House of Representatives, or Secretary of the Senate, as appropriate, may pay any additional interest due on the deposit for volunteer or volunteer leader service as a result of its administrative error. OPM may pay any additional interest due on the deposit for VISTA service as a result of its administrative error.

(b) The agency, Clerk of the House of Representatives, or Secretary of the Senate, as appropriate, shall set their own procedures for employees or Members to claim there was administrative error. OPM shall set its own procedures for claims of administrative error on its part.

(c) The agency, Clerk of the House of Representatives, or Secretary of the Senate, as appropriate, shall determine if administrative error on its part caused an increase in interest due on the deposit amount. OPM shall determine if administrative error on its part caused an increase in interest due on the deposit amount.

(d) OPM's final determination regarding a claim of administrative error on its part is not subject to the due process procedures described in 5 U.S.C. 8461(e).

[FR Doc. 2021–07545 Filed 4–19–21; 8:45 am]

BILLING CODE 6325–38–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2021–0307; Project Identifier AD–2021–00407–T; Amendment 39–21513; AD 2021–08–19]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is superseding Airworthiness Directive (AD) 2021–02–19, which applied to certain The Boeing Company Model 787–8, –9, and –10 airplanes. AD 2021–02–19 required repetitive general visual inspections for disengaged or damaged decompression panels of the bilge barriers located in the forward and aft cargo compartments, reinstallation of disengaged but undamaged panels, and replacement of damaged panels. This AD was prompted by reports of multiple incidents of torn decompression panels found in the bilge area, and the determination that additional airplanes are subject to the unsafe condition. This AD retains the requirements of AD 2021–02–19 and revises the applicability by including additional airplanes. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective May 5, 2021.

The FAA must receive comments on this AD by June 4, 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–2021–0307; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for the Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3569; email: *Brandon.Lucero@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background

The FAA issued AD 2021–02–19, Amendment 39–21402 (86 FR 10171, February 19, 2021) (AD 2021–02–19), for certain Boeing Model 787–8, –9, and –10 airplanes. AD 2021–02–19 required repetitive general visual inspections for disengaged or damaged decompression panels of the bilge barriers located in the forward and aft cargo compartments, reinstallation of disengaged but undamaged panels, and replacement of damaged panels. AD 2021–02–19 was prompted by reports of multiple incidents of torn decompression panels found in the bilge area. The FAA issued AD 2021–02–19 to address the possibility of leakage in the bilge area, which could, in the event of a cargo fire, result in insufficient Halon concentrations to adequately control the fire. This condition, if not addressed, could result in the loss of continued safe flight and landing of the airplane.

### Actions Since AD 2021–02–19 Was Issued

Since the FAA issued AD 2021–02–19, the agency received new information indicating that additional airplanes may be subject to the unsafe condition. The applicability of AD 2021–02–19 was limited to airplanes having bilge assemblies with certain decompression panels. Certain other decompression panels were inadvertently omitted from the applicability. The FAA determined that all of the decompression panel part numbers may be subject to damage (tearing) or becoming disengaged.

### FAA's Determination

The FAA is issuing this AD because the agency determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

### AD Requirements

This AD retains all requirements of AD 2021–02–19 and revises the applicability to include all Model 787–8, –9, and –10 airplanes.

### Explanation of Serviceable Part

This AD requires replacing damaged decompression panels with new or serviceable parts. For purposes of this AD, a serviceable part is airworthy and eligible for installation. While the part does not need to be new, it must conform to type design and be in condition for safe operation. A decompression panel repaired using an approved maintenance program is considered serviceable.

### MEL Provision

Paragraph (h) of this AD specifies that if any decompression panel is disengaged or damaged, the airplane may be operated as specified in the operator's existing FAA-approved minimum equipment list (MEL), provided provisions that address the damaged or disengaged decompression panels are included in the MEL.

### Explanation of Revised Repetitive Interval

The repetitive inspection interval required by AD 2021–02–19 was 120 days. This repetitive interval has been changed in this AD to 4 calendar months to better align the interval with routine operator maintenance scheduling. This change will continue to provide an adequate level of safety.

### Interim Action

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

### Justification for Immediate Adoption and Determination of the Effective Date

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

Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because leakage in the bilge area could, in the event of a cargo fire, result in insufficient Halon concentrations to adequately control the fire, and possible loss of continued safe flight and landing of the airplane. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

**Comments Invited**

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0307 and Project Identifier AD–2021–00407–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

**Confidential Business Information**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3569; email: *Brandon.Lucero@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.

**Regulatory Flexibility Act**

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

**Costs of Compliance**

The FAA estimates that this AD affects 222 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Repetitive inspections ... | 3 work-hours × $85 per hour = $255 per inspection cycle. | $0 | $85 per inspection cycle. | $56,610 per inspection cycle. |

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

ON-CONDITION COSTS

| Action | Labor cost | Parts cost | Cost per product |
|---|---|---|---|
| Replacement ..... | 1 work-hour × $85 per hour = $85 ..... | (*) | * $85 |

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

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

(2) Will not affect intrastate aviation in Alaska.

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2021–02–19, Amendment 39–21402 (86 FR 10171, February 19, 2021); and

■ b. Adding the following new AD:

**2021–08–19 The Boeing Company:** Amendment 39–21513 ; Docket No. FAA–2021–0307; Project Identifier AD–2021–00407–T.

**(a) Effective Date**

This airworthiness directive (AD) is effective May 5, 2021.

**(b) Affected ADs**

This AD replaces AD 2021–02–19, Amendment 39–21402 (86 FR 10171, February 19, 2021) (AD 2021–02–19).

**(c) Applicability**

This AD applies to all The Boeing Company Model 787–8, –9, and –10 airplanes, certificated in any category.

**(d) Subject**

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

**(e) Unsafe Condition**

This AD was prompted by reports of multiple incidents of torn decompression panels being found in the bilge area and the determination that additional airplanes are subject to the unsafe condition. The FAA is issuing this AD to address the possibility of leakage in the bilge area, which could, in the event of a cargo fire, result in insufficient Halon concentrations to adequately control the fire. This condition, if not addressed, could result in the loss of continued safe flight and landing of the airplane.

**(f) Compliance**

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

**(g) Repetitive Inspections and Corrective Action**

At the applicable times specified in paragraph (g)(1) or (2) of this AD: Do a general visual inspection for disengaged or damaged (torn) decompression panels of the bilge barriers located in the forward and aft cargo compartments. If any disengaged but undamaged panel is found: Before further flight, reinstall the panel. If any damaged panel is found: Before further flight, replace the panel with a new or serviceable panel. Reinstallations and replacements must be done in accordance with the operator's maintenance or inspection program, as applicable.

(1) If a general visual inspection for disengaged or damaged (torn) decompression panels of the bilge barriers was done before the effective date of this AD: Do the next inspection within 4 calendar months after the most recent inspection. Repeat the inspection thereafter at intervals not to exceed 4 calendar months.

(2) If a general visual inspection for disengaged or damaged (torn) decompression panels of the bilge barriers was not done before the effective date of this AD: Do the initial inspection within 30 days after the effective date of this AD. Repeat the inspection thereafter at intervals not to exceed 4 calendar months.

**(h) MEL Provisions**

If any decompression panel inspected as required by this AD is disengaged or damaged, the airplane may be operated as specified in the operator's existing FAA-approved minimum equipment list (MEL), provided provisions that address the disengaged or damaged decompression panels are included in the MEL.

**(i) Alternative Methods of Compliance (AMOCs)**

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

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

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

**(j) Related Information**

For more information about this AD, contact Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3569; email: *Brandon.Lucero@faa.gov.*

**(k) Material Incorporated by Reference**

None.

Issued on April 9, 2021.

**Ross Landes,**

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

[FR Doc. 2021–08225 Filed 4–16–21; 4:15 pm]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2020–0819; Project Identifier 2019–CE–027–AD; Amendment 39–21500; AD 2021–08–06]**

**RIN 2120–AA64**

## Airworthiness Directives; Textron Aviation Inc. Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding Airworthiness Directive (AD) 97–06–10 for certain Raytheon Aircraft Company (type certificate now held by Textron Aviation Inc. (Textron)) Model 76 airplanes. AD 97–06–10 required repetitively inspecting the main landing gear (MLG) ''A'' frame assemblies for cracks and replacing any cracked assembly. Since the FAA issued AD 97–06–10, the replacement parts have also experienced failure due to cracking. This AD requires magnetic particle inspections of the MLG ''A'' frame assemblies for cracks and replacement of the affected parts if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective May 25, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 25, 2021.

**ADDRESSES:** For the Beechcraft service information identified in this final rule, contact Textron Aviation Customer Service, P.O. Box 7706, Wichita, KS 67277; phone: (316) 517–5800; email: *customercare@txtav.com;* website: *https://txtav.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information

on the availability of this material at the FAA, call (816) 329–4148. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0819.

**Examining the AD Docket**

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0819; 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:** Brian Adamson, Aviation Safety Engineer, Wichita ACO Branch, FAA, 1801 Airport Road, Room 100, Wichita, KS 67209; phone: (316) 946–4193; fax: (316) 946–4107; email: *brian.adamson@faa.gov* or *Wichita-COS@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 97–06–10, Amendment 39–9967 (62 FR 12949, March 19, 1997) (AD 97–06–10). AD 97–06–10 applied to Raytheon Aircraft Company (type certificate now held by Textron) Model 76 airplanes, serial numbers ME–1 through ME–437 that do not have both a part number (P/N) 105–810023–75 (left) and P/N 105–810023–76 (right) MLG ''A'' frame assembly installed. The NPRM published in the **Federal Register** on December 14, 2020 (85 FR 80693).

AD 97–06–10 required repetitive visual and dye penetrant inspections of the MLG ''A'' frame assemblies for cracks and replacement of any assembly found cracked. AD 97–06–10 did not apply to Model 76 airplanes with an improved design MLG ''A'' frame assembly (P/N 105–810023–75 and P/N 105–810023–76) installed on both the left and right MLG. The FAA issued AD 97–06–10 to prevent MLG failure because of a cracked ''A'' frame assembly, which could result in loss of control of the airplane during landing.

The NPRM was prompted by reports of P/N 105–810023–75 and P/N 105–810023–76 ''A'' frame assemblies failing due to fatigue cracking, resulting in damage to the propeller and outboard wing area. The FAA determined that the visual and dye penetrant inspections were not adequately detecting cracks in the MLG ''A'' frame assemblies, because some of the failed parts had been subjected to visual and dye penetrant inspections within 100 hours before the failure.

In the NPRM, the FAA proposed to require repetitive magnetic particle inspections, which provide quicker results (after testing setup) with improved accuracy. Also, the NPRM reflected that the type certificate for the Model 76 airplane had been transferred from Raytheon to Textron, and that Textron designed new replacement parts, P/Ns 105–810023–0083 (left) and 105–810023–0084 (right), that were not subject to the proposed repetitive magnetic particle inspections. However, the newly designed MLG assemblies are still subject to the repetitive inspections specified in the maintenance manual.

**Discussion of Final Airworthiness Directive**

*Comments*

The FAA received two comments from an anonymous commenter. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request Regarding New Part Numbers

One commenter stated that a Model 76 with the new A-frames had a main gear collapse on landing in August 2020. The commenter questioned whether the new A-frames are also subject to failure.

The FAA disagrees with this comment. The commenter did not provide any data to show that the Textron Model 76 accident airplane, whose landing gear failed during landing or taxi conditions, had the new A-frames installed. Neither the FAA nor Textron have any data indicating that P/Ns 105–8100023–0083 and 105–810023–0084 A-frames were installed on the accident airplane. In addition, Textron has not received any reports of failed P/Ns 105–8100023–0083 and 105–810023–0084 A-frames.

Request Regarding Estimated Cost

The commenter requested the FAA find an alternative solution that is more affordable for operators. The commenter stated that each magnetic particle inspection would be costly because the inspection involves frame removal. The commenter also included documentation showing that the cost of an A-frame from Textron is over $8,000 and, with labor costs of $2,200 for installation, owners will spend over $18,500 to replace the A-frames.

The FAA partially agrees with this comment. The FAA has updated the estimated costs to reflect the costs provided by the commenter to replace the parts. The FAA disagrees with the commenter's estimate of labor costs to replace an A-frame, because the labor to install a replacement part is included with the labor costs for the inspection. The FAA has added language to the on-condition costs to clarify how the FAA estimated the cost to replace each part. The FAA also acknowledges that the general obligation of the operator to maintain its aircraft in an airworthy condition is vital, but sometimes expensive.

**Conclusion**

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the NPRM.

**Related Service Information Under 1 CFR Part 51**

The FAA reviewed Beechcraft Mandatory Service Bulletin SB 32–4156, dated May 3, 2019. This service information specifies procedures for a repetitive magnetic particle inspection for fatigue cracks adjacent to the gussets for the torque arm of each MLG ''A'' frame and destroying the assembly if cracks are found. The service information also specifies procedures for installing a replacement assembly or re-installing an assembly when no cracks are found. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

**Costs of Compliance**

The FAA estimates that this AD affects 437 airplanes of U.S. registry.

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

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Inspection of MLG ''A'' frame assembly .... | 26 work-hours × $85 per hour = $2,210 ... | Not applicable ..... | $2,210 | $965,770 |

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

ON-CONDITION COSTS

| Action | Labor cost | Parts cost | Cost per product |
|---|---|---|---|
| Replacement of 105–810023–0083 assembly ..... | Not applicable * ..... | $8,343 | $8,343 |
| Replacement of 105–810023–0084 assembly ..... | Not applicable * ..... | 8,100 | 8,100 |

* No additional labor cost since re-installation labor is included with the inspection cost.

## 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.

## 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 97–06–10, Amendment 39–9967 (62 FR 12949, March 19, 1997); and

■ b. Adding the following new airworthiness directive:

**2021–08–06 Textron Aviation Inc.:** Amendment 39–21500; Docket No. FAA–2020–0819; Project Identifier 2019–CE–027–AD.

**(a) Effective Date**

This airworthiness directive (AD) is effective May 25, 2021.

**(b) Affected ADs**

This AD replaces AD 97–06–10, Amendment 39–9967 (62 FR 12949, March 19, 1997) (AD 97–06–10).

**(c) Applicability**

This AD applies to Textron Aviation Inc. (type certificate previously held by Raytheon Aircraft Company, Hawker Beechcraft Corporation, and Beechcraft Corporation) Model 76 airplanes, serial numbers ME–1 through ME–437, certificated in any category, except airplanes with main landing gear (MLG) ''A'' frame assemblies part number (P/N) 105–810023–0083 (left) and P/N 105–810023–0084 (right) installed.

**(d) Subject**

Joint Aircraft System Component (JASC) Code 3200; Landing Gear.

**(e) Unsafe Condition**

This AD was prompted by cracks found in MLG ''A'' frame assemblies. The FAA is issuing this AD to detect and correct cracks in the MLG assemblies, which, if not addressed, could result in failure of the MLG assemblies and lead to loss of control of the airplane during landing.

**(f) Compliance**

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

**(g) Actions**

Within 100 hours time-in-service (TIS) after the last dye penetrant inspection required by AD 97–06–10 or within 12 months after the effective date of this AD, whichever comes first, and thereafter at intervals to not exceed 100 hours TIS or 12 months, whichever occurs first, do a magnetic particle inspection for cracks on the left MLG ''A'' frame assembly P/N 105–810023–3, 105–810023–67, or 105–810023–75 and the right MLG ''A'' frame assembly P/N 105–810023–4, 105–810023–68, or 105–810023–76 and, before further flight, take all necessary corrective actions. Do all actions by following the Accomplishment Instructions, paragraphs 4 through 13, of Beechcraft Mandatory Service Bulletin SB 32–4156, dated May 3, 2019.

**(h) Alternative Methods of Compliance (AMOCs)**

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager

of the local flight standards district office/ certificate holding district office.

**(i) Related Information**

For more information about this AD, contact Brian Adamson, Aviation Safety Engineer, Wichita ACO Branch, FAA, 1801 Airport Road, Room 100, Wichita, KS 67209; phone: (316) 946–4193; fax: (316) 946–4107; email: *brian.adamson@faa.gov* or *Wichita-COS@faa.gov.*

**(j) Material Incorporated by Reference**

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

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

(i) Beechcraft Mandatory Service Bulletin SB 32–4156, dated May 3, 2019.

(ii) [Reserved]

(3) For the Beechcraft service information identified in this AD, contact Textron Aviation Customer Service, P.O. Box 7706, Wichita, KS 67277; phone: (316) 517–5800; email: *customercare@txtav.com;* website: *https://txtav.com.*

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

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

Issued on March 30, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021–08100 Filed 4–19–21; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2019–1071; Project Identifier AD–2019–NM–165–AD; Amendment 39–21494; AD 2021–07–17]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 737–900ER series airplanes. This AD was prompted by reports of significant corrosion of electrical connectors located in the main landing gear (MLG) wheel well. This AD requires repetitive records checks to determine exposure to certain deicing fluids or repetitive inspections for corrosion of the electrical connectors, and corrective actions if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective May 25, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 25, 2021.

**ADDRESSES:** For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1071.

### Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1071; 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:** Julio C. Alvarez, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3657; email: *julio.c.alvarez@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 737–900ER series airplanes. The NPRM published in the **Federal Register** on January 10, 2020 (85 FR 1290). The NPRM was prompted by reports of significant corrosion of electrical connectors located in the MLG wheel well. The NPRM proposed to require repetitive records checks to determine exposure to certain deicing fluids or repetitive inspections for corrosion of the electrical connectors, and corrective actions if necessary.

The FAA is issuing this AD to address corrosion and subsequent moisture ingress that may lead to electrical shorting of the connectors and incorrect functioning of critical systems necessary for safe flight and landing.

### Comments

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

### Support for the NPRM

Air Line Pilots Association, International (ALPA) and two other commenters supported the NPRM.

### Request To Revise Resistance Values

Boeing requested that Boeing Alert Service Bulletin 737–24A1148, Revision 1, dated July 10, 2003, which incorrectly specified a maximum electrical bonding resistance of 5 milliohms for aluminum and 10 milliohms for stainless steel, be replaced with Boeing Alert Service Bulletin 737–24A1148, Revision 2, dated September 14, 2020, which updates the maximum allowable resistance values to 3 milliohms for both aluminum and stainless steel, per AWL No. 28–AWL–04, as identified in Subsection G of Boeing Temporary Revision (TR) 09–020, dated March 2008, to the Boeing 737–600/700/800/900 Maintenance Planning Document (MPD), D626A001-Certification Maintenance Requirements (CMR), Revision March 2008. Boeing also advised that operators who have incorporated Boeing Alert Service Bulletin 737–24A1148, Revision 1, dated July 10, 2003, should restore the fuel quantity indicating system (FQIS) aluminum and stainless steel connectors to a maximum resistance of 3 milliohms at the next inspection interval per Boeing Alert Service Bulletin 737–24A1148, Revision 2, dated September 14, 2020. Boeing observed that the maximum allowable resistance values of 5 milliohms (aluminum) and 10 milliohms (stainless steel) specified in Boeing Alert Service Bulletin 737–24A1148, Revision 1, dated July 10, 2003, are greater than the values specified in AWL No. 28–AWL–04, and that the proposed AD is in conflict with

AD 2008–10–10 R1, Amendment 39–16164 (75 FR 1529, January 12, 2010) (AD 2008–10–10 R1), and AD 2018–20–24, Amendment 39–19458 (83 FR 51815, October 15, 2018) (AD 2018–20–24), both of which reference AWL No. 28–AWL–04. ADs 2008–10–10 and 2018–20–24 currently require revising the Airworthiness Limitations (AWLs) section of the Instructions for Continued Airworthiness by incorporating new limitations for fuel tank systems to satisfy Special Federal Aviation Regulation No. 88 (in 14 CFR part 21) for FQIS connectors in unpressurized area. The critical design configuration control limitations (CDCCLs) require that if the FQIS connector D4850 is disturbed or repaired, the electrical bonding resistance value from the backshell to the structure must be 3 milliohms or less.

The FAA agrees with the request to require the revised service information, which updates the maximum allowable resistance values to 3 milliohms. These values are consistent with AD 2008–10–10 R1 and AD 2018–20–24 and SFAR No. 88 requirements. The FAA has revised paragraph (g)(2) of this AD to specify Boeing Alert Service Bulletin 737–24A1148, Revision 2, dated September 14, 2020, and has also updated the ''Related Service Information under CFR part 51'' paragraph in this final rule.

**Request To Specify Initial Compliance Time**

Delta Air Lines (DAL) suggested that paragraph (g) specify the compliance time as within 24 months of issuance of the original certificate of airworthiness or 12 months after the effective date of this AD, whichever comes later. DAL noted that newer airplanes having accumulated less than 24 months since the issuance of the original certificate of airworthiness should not require inspection prior to the accumulation of 24 months since the issuance of the original certificate of airworthiness, because these aircraft were in a known corrosion-free condition upon completion of production. This condition, DAL asserted, is equivalent to an aircraft that has just been inspected as required by this AD. DAL maintained that because the repeat interval after initial inspection given in the proposed rule is 24 months, an equivalent level of safety would be provided if the initial inspection were accomplished within 24 months of delivery or 12 months after the effective date of this AD, whichever occurs later.

The FAA agrees with the request. An affected airplane that has just received an original airworthiness certificate or original export certificate of airworthiness is in a condition equivalent to that of completing the repetitive inspection; therefore, conducting an initial inspection within 24 months is appropriate to address the concern of the AD for that airplane. The initial compliance time specified in paragraph (g) of this AD has been changed to include this information.

**Request To Modify Compliance Times**

DAL suggested that paragraph (g)(2) of the proposed AD be changed to add a new paragraph (g)(2)(iv) specifying ''If connectors or contacts show signs of corrosion or connector resistance measurements are greater than the specified milliohm limit given in Boeing Alert Service Bulletin 737–24A1148, Revision 1, accomplish appropriate corrective action(s) prior to further flight in accordance with Boeing Alert Service Bulletin 737–24A1148, Revision 1.'' DAL observed that the applicable times specified in paragraphs (g)(2)(i) through (iii) of the proposed AD are specific to corrosion of the backshells, and that the proposed AD does not clearly define corrective actions for the connectors and contacts, which would also be inspected in paragraph (g)(2) of the proposed AD. DAL contended that the intended action of the proposed AD is for discrepant connectors and contacts to have corrective action accomplished prior to further flight.

The FAA disagrees with the request to modify paragraph (g)(2) of this AD. The service information adequately specifies when to perform corrective actions for connectors and contacts. The FAA has not changed this AD with regard to this request.

**Request To Address Discrepancies in NPRM**

DAL noted the following discrepancies with Boeing Alert Service Bulletin 737–24A1148, Revision 1, dated July 10, 2003: The Work Instructions, paragraph 3.B of the Accomplishment Instructions, indicate that the accomplishment instructions are divided into two parts; however, they are actually divided into three parts. Also, part 3 of the Work Instructions does not give the instruction to remove electrical power from the airplane, yet Figure 5, Step 10, of the ASB instructs to restore electrical power. DAL noted that if electrical power was not removed, it cannot be restored. The FAA infers a request to address the discrepancies in the proposed AD.

The FAA agrees with addressing the stated discrepancies in this AD. The 57 discrepancies have been rectified in Boeing Alert Service Bulletin 737–24A1148, Revision 2, dated September 14, 2020, and this AD has been changed to reference that revision.

**Request To Include AMOC Notices**

DAL requested that the proposed AD be revised to include references to two FAA-approved AMOCs to the mandated service information: AMOC Notice 737–24A1148–AMOC–01, dated May 06, 2013, and FAA AMOC Letter 130S–09–9, dated April 28, 2009. DAL observed that the AMOCs are applicable service documentation that should be specifically included in the final rule to facilitate operators in correctly incorporating the requirements of the final rule.

The FAA partially agrees with the request. To facilitate operators in correctly incorporating the requirements of the final rule, paragraph (i)(4) of this AD has been changed to include reference to FAA AMOC Letter 130S–09–9, dated April 28, 2009. However, Boeing AMOC Notice 737–24A1148–AMOC–01, dated May 6, 2013, has been incorporated into the revised service bulletin that is mandated by this AD and therefore is not included in paragraph (i)(4) of this AD.

**Request To Give Credit for Previous Actions**

United Airlines (UAL) generally supported the NPRM and requested that credit be given for actions previously accomplished in their maintenance inspection program per their publication EA 2400–01516, addressing Boeing Alert Service Bulletin 737–24A1148, Revision 1, dated July 10, 2003. UAL stated it has incorporated inspections of its 737–900ER fleet starting May 2010, using their publication EA 2400–01516.

The FAA agrees that operators should get credit for performing actions of Boeing Alert Service Bulletin 737–24A1148, Revision 1, dated July 10, 2003, referenced in the NPRM. As stated previously, this final rule has been revised to refer to the latest service bulletin, Boeing Alert Service Bulletin 737–24A1148, Revision 2, dated September 14, 2020, which contains updated service information to address the unsafe condition. Operators who previously performed the work before the effective date of this AD using Boeing Alert Service Bulletin 737–24A1148, dated December 6, 2001, or Revision 1, dated July 10, 2003, may receive credit for accomplishment of the initial detailed inspection specified in paragraph (g)(2) of this AD; however, the updated FQIS connector D4850 resistance values must be used at the

next repetitive inspection interval, in accordance with Boeing Alert Service Bulletin 737–24A1148, Revision 2, dated September 14, 2020. The FAA has added paragraph (h) of this AD to provide credit for Boeing Alert Service Bulletin 737–24A1148, dated December 6, 2001, and Boeing Alert Service Bulletin 737–24A1148, Revision 1, dated July 10, 2003.

**Effect of Winglets on Accomplishment of the Proposed Actions**

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificate STC ST00830SE does not affect the accomplishment of the manufacturer's service instructions. Blended winglets are part of the production type certificate for the 737–900ER and are not an STC installation.

The FAA agrees with the commenter that STC ST00830SE does not affect the accomplishment of the manufacturer's service instructions. Therefore, the installation of STC ST00830SE does not affect the ability to accomplish the actions required by this AD. The FAA has not changed this AD as a result of this comment.

**Conclusion**

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule 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 final rule.

**Related Service Information Under 1 CFR Part 51**

The FAA reviewed Boeing Alert Service Bulletin 737–24A1148, Revision 2, dated September 14, 2020. This service information describes procedures for repetitive records checks to determine exposure to certain deicing fluids or repetitive inspections for corrosion of the electrical connectors, and corrective actions if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

**Costs of Compliance**

The FAA estimates that this AD affects 346 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Repetitive records check | 1 work-hour × $85 per hour = $85 per inspection cycle. | $0 | $85 per inspection cycle. | Up to $29,410 per inspection cycle. |
| Repetitive detailed inspection. | 3 work-hours × $85 per hour = $255 per inspection cycle. | $0 | $255 per inspection cycle. | Up to $88,230 per inspection cycle. |

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

ON-CONDITION COSTS

| Action | Labor cost | Parts cost | Cost per product |
|---|---|---|---|
| Cleaning or replacement | Up to 5 work-hours × $85 per hour = Up to $425 | Up to $831 | Up to $1,256. |

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

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

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

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**2021–07–17 The Boeing Company:** Amendment 39–21494 ; Docket No. FAA–2019–1071; Product Identifier 2019–NM–165–AD.

**(a) Effective Date**

This airworthiness directive (AD) is effective May 25, 2021.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to all The Boeing Company Model 737–900ER series airplanes, certificated in any category.

**(d) Subject**

Air Transport Association (ATA) of America Code 24, Electrical power.

**(e) Unsafe Condition**

This AD was prompted by reports of significant corrosion of electrical connectors located in the main landing gear (MLG) wheel well. The FAA is issuing this AD to address corrosion and subsequent moisture ingress that may lead to electrical shorting of the connectors and incorrect functioning of critical systems necessary for safe flight and landing.

**(f) Compliance**

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

**(g) Required Actions**

Within 24 months after the date of issuance of the original airworthiness certificate or the date of issuance of the original export certificate of airworthiness or 12 months after the effective date of this AD, whichever is later: Do the actions required by paragraph (g)(1) or (2) of this AD.

(1) Determine airplane exposure to runway deicing fluids containing potassium formate or potassium acetate by reviewing airport data on the types of components in the deicing fluid used at airports that support airplane operations.

(i) If the airplane has not been exposed: Repeat the requirements specified in paragraph (g)(1) of this AD thereafter at intervals not to exceed 24 months.

(ii) If the airplane has been exposed: Within 90 days after that determination is made, do the inspection required by paragraph (g)(2) of this AD. Repeat the inspection thereafter at intervals not to exceed 24 months.

(2) Do a detailed inspection of the electrical connectors, including the contacts and backshells of the line replaceable unit (LRU) in the wheel well of the MLG, for corrosion in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–24A1148, Revision 2, dated September 14, 2020. Perform applicable corrective actions at the applicable times, as specified in paragraphs (g)(2)(i) through (iii) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–24A1148, Revision 2, dated September 14, 2020. Repeat the inspection thereafter at intervals not to exceed 24 months. For the purposes of this AD, a detailed inspection is defined as an intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.

(i) If the total backshell surface area corrosion is 10 percent or less, clean the backshell(s) before further flight.

(ii) If the total backshell surface area corrosion is greater than 10 percent but less than 20 percent, replace the connectors and backshells within 30 days after the detailed inspection.

(iii) If the total backshell surface area corrosion is 20 percent or more, replace the connectors and backshells before further flight.

**(h) Credit for Previous Actions**

This paragraph provides credit for the initial detailed inspection and applicable corrective actions specified in paragraph (g)(2) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–24A1148, dated December 6, 2001, or Boeing Alert Service Bulletin 737–24A1148, Revision 1, dated July 10, 2003.

**(i) Alternative Methods of Compliance (AMOCs)**

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

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle 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) FAA AMOC Letter 130S–09–9, dated April 28, 2009, and AMOCs approved previously for AD 2005–18–23, Amendment 39–14264 (70 FR 54253, September 14, 2005), are approved as AMOCs for the corresponding provisions of this AD.

**(j) Related Information**

For more information about this AD, contact Julio C. Alvarez, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3657; email: *julio.c.alvarez@faa.gov.*

**(k) Material Incorporated by Reference**

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

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

(i) Boeing Alert Service Bulletin 737–24A1148, Revision 2, dated September 14, 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 March 29, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021–08058 Filed 4–19–21; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2020–1167; Project Identifier AD–2020–01007–T; Amendment 39–21504; AD 2021–08–10]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40

and DC–10–40F airplanes; and Model MD–10–10F and MD–10–30F airplanes. This AD was prompted by a report that an operator found a crack in the upper flange of the pylon aft bulkhead bracket. This AD requires a general visual inspection of the left and right wing pylon at the aft bulkhead bracket for any lockbolt and collar; repetitive surface and open hole eddy current high frequency (ETHF) inspections of the left and right wing pylon at the aft bulkhead bracket for any cracking; and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective May 25, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 25, 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–2020–1167.

## Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1167; 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:** Manuel Hernandez, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5256; fax: 562–627–5210; email: *Manuel.F.Hernandez@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

## Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40 and DC–10–40F airplanes; and Model MD–10–10F and MD–10–30F airplanes. The NPRM published in the **Federal Register** on January 15, 2021 (86 FR 3885). The NPRM was prompted by a report that an operator found a crack in the upper flange of the pylon aft bulkhead bracket. In the NPRM, the FAA proposed to require a general visual inspection of the left and right wing pylon at the aft bulkhead bracket for any lockbolt and collar; repetitive surface and open hole ETHF inspections of the left and right wing pylon at the aft bulkhead bracket for any cracking; and applicable on-condition actions. The FAA is issuing this AD to address possible cracking of the wing pylon at the aft bulkhead bracket, which could result in the inability of the pylon to sustain limit load and adversely affect the structural integrity of the airplane.

## Discussion of Final Airworthiness Directive

### Comments

The FAA received a comment from The Air Line Pilots Association, International (ALPA) who supported the NPRM without change.

### Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

### Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin DC10–54A111 RB, dated June 26, 2020. The service information describes procedures for a general visual inspection of the left and right wing pylon at the aft bulkhead bracket for any lockbolt and collar; repetitive surface and open hole ETHF inspections of the left and right wing pylon at the aft bulkhead bracket for any cracking; and applicable on-condition actions. On-condition actions include modifying any aft bulkhead bracket that has a lockbolt and collar, and repair or replacement of the aft bulkhead bracket.

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

### Costs of Compliance

The FAA estimates that this AD affects 103 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 |
|---|---|---|---|---|
| General visual inspection | 2 work-hours × $85 per hour = $170 | $0 | $170 | $17,510. |
| Surface and open hole ETHF inspections. | 5 work-hours × $85 per hour = $425 per inspection cycle. | 0 | $425 per inspection cycle. | $8,755 per inspection cycle. |

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

| Labor cost | Parts cost | Cost per product |
|---|---|---|
| 1 work-hour × $85 per hour = $85 per lockbolt/collar (maximum of 8 lockbolt/collars) | $100 per lockbolt/collar | $185 per lockbolt/collar. |

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

## Authority for This Rulemaking

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

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

## Regulatory Findings

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

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

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

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

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

## List of Subjects in 14 CFR Part 39

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

## 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:

**2021–08–10 The Boeing Company:** Amendment 39–21504; Docket No. FAA–2020–1167; Project Identifier AD–2020–01007–T.

**(a) Effective Date**

This airworthiness directive (AD) is effective May 25, 2021.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to all The Boeing Company airplanes specified in paragraphs (c)(1) through (5) of this AD, certificated in any category.

(1) Model DC–10–10 and DC–10–10F airplanes.

(2) Model DC–10–15 airplanes.

(3) Model DC–10–30 and DC–10–30F (KC–10A and KDC–10) airplanes.

(4) Model DC–10–40 and DC–10–40F airplanes.

(5) Model MD–10–10F and MD–10–30F airplanes.

**(d) Subject**

Air Transport Association (ATA) of America Code 54, Nacelles/pylons.

**(e) Unsafe Condition**

This AD was prompted by a report that an operator found a crack in the upper flange of the pylon aft bulkhead bracket. The FAA is issuing this AD to address possible cracking of the wing pylon at the aft bulkhead bracket, which could result in the inability of the pylon to sustain limit load and adversely affect the structural integrity of the airplane.

**(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 DC10–54A111 RB, dated June 26, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin DC10–54A111 RB, dated June 26, 2020.

**Note 1 to paragraph (g):** Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin DC10–54A111, dated June 26, 2020, which is referred to in Boeing Alert Requirements Bulletin DC10–54A111 RB, dated June 26, 2020.

**(h) Exceptions to Service Information Specifications**

(1) Where Boeing Alert Requirements Bulletin DC10–54A111 RB, dated June 26, 2020, uses the phrase ''the original issue date of Requirements Bulletin DC10–54A111 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin DC10–54A111 RB, dated June 26, 2020, specifies contacting Boeing for repair, modification, or replacement instructions: This AD requires doing the repair, modification, or replacement using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

**(i) Alternative Methods of Compliance (AMOCs)**

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

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

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

**(j) Related Information**

(1) For more information about this AD, contact Manuel Hernandez, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5256; fax: 562–627–5210; email: *Manuel.F.Hernandez@faa.gov.*

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

**(k) Material Incorporated by Reference**

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

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

(i) Boeing Alert Requirements Bulletin DC10–54A111 RB, dated June 26, 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 April 1, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021–08055 Filed 4–19–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2020–0911; Product Identifier 2020–NM–075–AD; Amendment 39–21497; AD 2021–08–03]**

**RIN 2120–AA64**

## Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes; Model CL–600–2C11 (Regional Jet Series 550) airplanes; Model CL–600–2D15 (Regional Jet Series 705) airplanes; Model CL–600–2D24 (Regional Jet Series 900) airplanes; and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by a determination that a new or more restrictive airworthiness limitation is necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate a new or more restrictive airworthiness limitation. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective May 25, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 25, 2021.

**ADDRESSES:** For service information identified in this final rule, contact MHI RJ Aviation ULC, 12655 Henri-Fabre Blvd., Mirabel, Québec J7N 1E1, Canada; Widebody Customer Response Center North America toll-free telephone +1 844 272 2720 or direct-dial telephone +1 514 855 8500; fax +1–514 855–8501; email *thd.crj@mhirj.com;* internet *https://mhirj.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0911.

### 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–2020–0911; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

**SUPPLEMENTARY INFORMATION:**

### Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2020–08, dated April 6, 2020 (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes; Model CL–600–2C11 (Regional Jet Series 550) airplanes; Model CL–600–2D15 (Regional Jet Series 705) airplanes; Model CL–600–2D24 (Regional Jet Series 900) airplanes; and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0911.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes; Model CL–600–2C11 (Regional Jet Series 550) airplanes; Model CL–600–2D15 (Regional Jet Series 705) airplanes; Model CL–600–2D24 (Regional Jet Series 900) airplanes; and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The NPRM published in the **Federal Register** on October 13, 2020 (85 FR 64417). The NPRM was prompted by a determination that a new or more restrictive airworthiness limitation is necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate a new or more restrictive airworthiness limitation. The FAA is issuing this AD to address failed telescopic ducts in the wing anti-ice system, which could result in loss of the wing anti-ice system function, slat skew, slat jam, structural damage to the slat panel, and loss of the slat panel, possibly resulting in reduced control of the airplane. See the MCAI for additional background information.

### Comments

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

### Support for the NPRM

An anonymous commenter and Endeavor Air indicated support for the NPRM.

### Request To Extend the 60-Day Compliance Time for Initial Actions

Endeavor Air requested a revision to the initial compliance times proposed in the NPRM for accomplishing the tasks. Endeavor Air suggested removing the phrase ''or within 60 days after the effective date of the AD, whichever is later'' and replacing it with ''for aircraft with more than 15,200 FH [flight hours], phase in within 8,800 FH from the effective date of the AD.'' Endeavor Air reasoned that the change would allow the work to be scheduled during C-check maintenance, and align with the original intent.

The FAA disagrees with replacing the 60-day grace period with the compliance time suggested by the commenter. The FAA reviewed the compliance times, typical fleet usage, and the TCCA AD, and found that the compliance time specified in paragraph (g) of this AD adequately addresses the unsafe condition. Most airplanes average 8.5 flight hours per day and will not reach another 8,800 flight hours for 32 months; therefore, an extension is

not warranted. However, under the provisions of paragraph (i)(1) of this AD, the FAA will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the extension would provide an acceptable level of safety. The FAA has not changed this AD in this regard.

## Conclusion

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

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

## Related Service Information Under 1 CFR Part 51

Bombardier has issued CRJ700/900/1000 Series Regional Jet Temporary Revision ALI–0721, dated December 20, 2019. This service information describes safe life limitation task 30–11–10–701, Telescopic Duct, that specifies the life limitation for the telescopic duct. 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 577 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD.

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

## Authority for This Rulemaking

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

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

## Regulatory Findings

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

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

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

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

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

## List of Subjects in 14 CFR Part 39

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

## Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**2021–08–03 MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.):** Amendment 39–21497; Docket No. FAA–2020–0911; Product Identifier 2020–NM–075–AD.

**(a) Effective Date**

This airworthiness directive (AD) is effective May 25, 2021.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to all MHI RJ Aviation ULC (type certificate previously held by Bombardier, Inc.) airplanes identified in paragraphs (c)(1) through (5) of this AD, certificated in any category.

(1) Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes.

(2) Model CL–600–2C11 (Regional Jet Series 550) airplanes.

(3) Model CL–600–2D15 (Regional Jet Series 705) airplanes.

(4) Model CL–600–2D24 (Regional Jet Series 900) airplanes.

(5) Model CL–600–2E25 (Regional Jet Series 1000) airplanes.

**(d) Subject**

Air Transport Association (ATA) of America Code 30, Rain and Ice Protection.

**(e) Reason**

This AD was prompted by a determination that a new or more restrictive airworthiness limitation is necessary. The FAA is issuing this AD to address failed telescopic ducts in the wing anti-ice system, which could result in loss of the wing anti-ice system function, slat skew, slat jam, structural damage to the slat panel, and loss of the slat panel, possibly resulting in reduced control of the airplane.

**(f) Compliance**

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

**(g) Maintenance or Inspection Program Revision—Safe Life Limitation Task 30–11–10–701**

Within 60 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in [Bombardier] CRJ700/900/1000 Series Regional Jet Temporary Revision ALI–0721, dated December 20, 2019, into Part 2 of the Bombardier CRJ700/900/1000 Maintenance Requirements Manual. The initial compliance time for doing the tasks is at the time specified in [Bombardier] CRJ700/900/1000 Series Regional Jet Temporary Revision ALI–0721, dated December 20, 2019, or within 60 days after the effective date of this AD, whichever occurs later.

**(h) No Alternative Actions or Intervals**

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

**(i) Other FAA AD Provisions**

The following provisions also apply to this AD:

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

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

**(j) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2020–08, dated April 6, 2020, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0911.

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

**(k) Material Incorporated by Reference**

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

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

(i) [Bombardier] CRJ700/900/1000 Series Regional Jet Temporary Revision ALI–0721, dated December 20, 2019.

(ii) [Reserved]

(3) For service information identified in this AD, contact MHI RJ Aviation ULC, 12655 Henri-Fabre Blvd., Mirabel, Québec J7N 1E1, Canada; Widebody Customer Response Center North America toll-free telephone +1 844 272 2720 or direct-dial telephone +1 514 855 8500; fax +1–514 855–8501; email *thd.crj@mhirj.com;* internet *https://mhirj.com.*

(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 March 30, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021–07624 Filed 4–19–21; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2020–0965; Project Identifier MCAI–2020–01068–T; Amendment 39–21502; AD 2021–08–08]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus SAS Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A350–941 and –1041 airplanes. This AD was prompted by a report that a welding quality issue has been identified in the gimbal joint of the air bleed duct located at each wing-to-pylon interface; the inner ring of a gimbal had deformed to an oval shape, which could lead to cracking caused by direct contact between metal parts. This AD requires replacing affected bleed duct assemblies and bleed gimbals at the wing-to-pylon interface with a serviceable part, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective May 25, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 25, 2021.

**ADDRESSES:** For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0965.

**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–2020–0965; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; *Kathleen.Arrigotti@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Background**

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0169R1, dated August 19, 2020 (EASA AD 2020–0169R1) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A350–941 and –1041 airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A350–941 and –1041 airplanes. The NPRM published in the **Federal Register** on October 23, 2020 (85 FR 67467). The NPRM was prompted by a report that a welding quality issue has been identified in the gimbal joint of the air bleed duct located at each wing-to-pylon interface; the inner ring of a gimbal had deformed to an oval shape, which could lead to cracking caused by direct contact between metal parts. The NPRM proposed to require replacing affected bleed duct assemblies and bleed gimbals at the wing-to-pylon interface with a serviceable part, as specified in EASA AD 2020–0169R1.

The FAA is issuing this AD to address a welding quality issue that could cause

cracking, and could lead to hot bleed air leakage in the pylon area, and possibly result in loss of the pneumatic system and exposure of the wing structure to high temperatures, and lead to reduced structural integrity of the airplane. See the MCAI for additional background information.

**Comments**

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

**Request To Correct Notes and Clearances in the Referenced Service Information**

Delta Airlines (DAL) stated that the service information referenced in EASA AD 2020–0169R1 calls out the wrong note in several locations. DAL stated that view A–A, ''The Wing Environment,'' in SHEET 3/3 of Figure ICN–A350–A–36XXP023–A–FAPE3–05BQ7–A–001–01; and SHEET 3/3 of Figure ICN–A350–A–36XXP024–A–FAPE3–05CCU–A–001–01; calls out Note 03 and this should be Note 04. DAL also stated that in View B–B, those figures call out Note 04 and this should be Note 03. The FAA infers that DAL is requesting the FAA add an exception to the proposed AD to clarify the correct note numbers.

DAL commented that when reviewing maintenance procedure (MP) A350–A–36–11–48–08001–720A–A, it noted that the MP does not specify a clearance during the installation process and it does not mention clearance to structure. DAL stated that both notes in the referenced figures should use the same standard as the MP installation instructions, which is, ''Make sure there is clearance between structure and sensing elements,'' rather than specifying minimum clearances. DAL added that including minimum clearance dimensions in the notes in the referenced figures will make them mandatory.

The FAA agrees to provide clarification regarding these issues. Airbus has confirmed that the notes could have been written without mentioning general terms like ''elements'' or ''wing environment,'' but all drawing references and the clearances expressed in them are correct. Specifying minimum clearance dimensions in the referenced figures is intentional and needed to address the unsafe condition identified in this AD. The FAA has not changed the AD in this regard.

**Request To Clarify Verbiage in the Referenced Service Information**

DAL stated that the service information referenced in EASA AD 2020–0169R1 uses the terms ''detailed inspection of bleed gimbals'' and ''general visual inspection of bleed gimbal records.'' DAL commented that these terms are confusing and negate the FAA's definition of general visual inspection. DAL proposed the following, which it stated is the FAA's standard wording: ''perform a detailed visual inspection on bleed gimbals'' and ''review aircraft maintenance records for bleed gimbal removals.''

The FAA agrees to provide clarification. The FAA contacted EASA for clarification of the inspections specified in the service information referenced in EASA AD 2020–0169R1. The intent of the ''detailed inspection of bleed gimbals'' and the ''general visual inspection of the bleed gimbal records'' is to verify the part numbers and manufacturing dates of the bleed gimbals. The FAA has added paragraph (h)(3) of this AD to clarify that where the service information referenced in EASA AD 2020–0169R1, specifies doing a ''general visual inspection'' and ''detailed inspection'' of the bleed gimbals and bleed gimbal records, this AD allows for an inspection to determine the part number and manufacturing date of the bleed gimbals.

**Conclusion**

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule 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 final rule.

**Related Service Information Under 1 CFR Part 51**

EASA AD 2020–0169R1 describes procedures for replacing affected bleed duct assemblies and bleed gimbals at the wing-to-pylon interface with serviceable parts. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

**Costs of Compliance**

The FAA estimates that this AD affects 13 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

| Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|
| 25 work-hours × $85 per hour = $2,125 | Up to $48,800 | Up to $50,925 | Up to $662,025. |

**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**

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:

**2021–08–08 Airbus SAS:** Amendment 39–21502; Docket No. FAA–2020–0965; Project Identifier MCAI–2020–01068–T.

**(a) Effective Date**

This airworthiness directive (AD) is effective May 25, 2021.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

**(d) Subject**

Air Transport Association (ATA) of America Code 36, Pneumatic.

**(e) Reason**

This AD was prompted by a report that a welding quality issue has been identified in the gimbal joint of the air bleed duct located at each wing-to-pylon interface; the inner ring of a gimbal had deformed to an oval shape, which could lead to cracking caused by direct contact between metal parts. The FAA is issuing this AD to address this condition, which could lead to hot bleed air leakage in the pylon area, and possibly result in loss of the pneumatic system and exposure of the wing structure to high temperatures, and lead to reduced structural integrity of the airplane.

**(f) Compliance**

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

**(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0169R1, dated August 19, 2020 (EASA AD 2020–0169R1).

**(h) Exceptions to EASA AD 2020–0169R1**

(1) Where EASA AD 2020–0169R1 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0169R1 does not apply to this AD.

(3) Where the service information referenced in paragraph (2) of EASA AD 2020–0169R1 specifies doing a ''general visual inspection'' and ''detailed inspection'' of bleed gimbal records and bleed gimbals, this AD allows for an inspection to determine the part number and manufacturing date of the bleed gimbals. A review of airplane maintenance records is acceptable in lieu of this inspection for the part number of the bleed gimbals if it can be conclusively determined from that review.

**(i) No Reporting Requirement**

Although the service information referenced in EASA AD 2020–0169R1 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

**(j) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(3) *Required for Compliance (RC):* Except as required by paragraph (j)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

**(k) Related Information**

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

**(l) Material Incorporated by Reference**

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020–0169R1, dated August 19, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0169R1, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0965.

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

Issued on April 1, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021–08057 Filed 4–19–21; 8:45 am]

BILLING CODE 4910–13–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

**[WT Docket No. 19–212; DA 21–387; FR ID 20567]**

### Completing the Transition to Electronic Filing, Licenses and Authorizations, and Correspondence in the Wireless Radio Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) adopted an Order announcing changes to the Commission's rules that will become effective. To conform changes to a rule regarding submission of environmental assessments that the Commission had made in two prior decisions, the Commission amends the non-substantive, editorial revisions by adding language pertaining to electronic filing.

**DATES:** Effective June 29, 2021.

**FOR FURTHER INFORMATION CONTACT:** Warren Firschein email: *warren.firschein@fcc.gov* of the Office of the Managing Director; or call the Office of the Managing Director at (202) 418–2653.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Order,* ET Docket No. 19–126, DA 21–387, adopted and released on April 2, 2021. The full text of this document is available for public inspection and can be downloaded at: *https://docs.fcc.gov/public/attachments/DA-21-387A1.pdf* or by using the search function for ET Docket No. 19–126 on the Commission's ECFS web page at *www.fcc.gov/ecfs.*

### Synopsis

1. The Commission updated the language of 47 CFR 1.1307(b) of the Commission's rules to insert the word ''electronically.'' This step is necessary because of two separate actions the Commission took to amend § 1.1307 of the rules. On December 4, 2019, the Commission adopted a Second Report and Order in ET Docket No. 19–226, FCC 19–126. The Report and Order made amendments to § 1.1307(b) that did not take effect immediately, pending concurrence by the Office of Management and Budget under the Paperwork Reduction Act. On September 16, 2020, the Commission adopted a Report and Order in WT Docket No. 19–212, FCC 20–126, that modified the text of § 1.1307(b) that was then in effect. The decision, which added references to electronic filing in multiple rule parts, was published in the **Federal Register** on December 29, 2020. The modifications to § 1.1307 are not scheduled to take effect until June 29, 2021.

### Procedural Matters

*A. Final Regulatory Flexibility Analysis*

2. Section 603 of the Regulatory Flexibility Act, as amended, requires a regulatory flexibility analysis in notice and comment rulemaking proceedings. See 5 U.S.C. 603(a). As we are adopting these rules without notice and comment, no regulatory flexibility analysis is required.

*B. Final Paperwork Reduction Act of 1995 Analysis*

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

*C. Congressional Review Act*

4. The Commission will not send a copy of the Order pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of agency organization, procedure, or practice that do not ''substantially affect the rights or obligations of non-agency parties. See 5 U.S.C. 804(3)(C).

### Ordering Clause

5. *Accordingly, it is ordered,* pursuant to the authority delegated under 47 CFR 0.23l(b), 47 CFR 1.1307(b) *is amended* as set forth below effective June 29. 2021 and substituting for and superseding the corresponding amendment to § 1.1307(b) contained in 85 FR 33578 that would otherwise become effective on June 29, 2021.

### List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary.*

### Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

## PART 1—PRACTICE AND PROCEDURE

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

**Authority:** 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note, unless otherwise noted.

■ 2. Section 1.1307 is amended by revising paragraph (b)(1)(ii) to read as follows:

**§ 1.1307 Actions that may have a significant environmental effect, for which Environmental Assessments (EA) must be prepared.**

* * * * *

(b)(1) * * *

(ii) Compliance with these limits for fixed RF source(s) may be accomplished by use of mitigation actions, as provided in § 1.1307(b)(4). Upon request by the Commission, the party seeking or holding such authorization must electronically submit technical information showing the basis for such compliance, either by exemption or evaluation. Notwithstanding the preceding requirements, in the event that RF sources cause human exposure to levels of RF radiation in excess of the limits in § 1.1310 of this chapter, such RF exposure exemptions and evaluations are not deemed sufficient to show that there is no significant effect on the quality of the human environment or that the RF sources are categorically excluded from environmental processing.

* * * * *

[FR Doc. 2021–07719 Filed 4–19–21; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1 and 2

**[ET Docket Nos. 03–137, 13–84, 19–226; DA 21–363; FR ID 20760]**

### Human Exposure to Radiofrequency Electromagnetic Fields and Reassessment of FCC Radiofrequency Exposure Limits and Policies

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements associated with the Commission's *RF Safety Rulemaking Second Report and Order (Order).* This document is consistent with the *Order,* which stated

that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules.

**DATES:** The final rule amending §§ 1.1307, 2.1091, and 2.1093 (amendatory instructions 2, 7, and 8), published at 85 FR 18131, April 1, 2020, delayed indefinitely at 85 FR 33578, June 2, 2020, are effective May 3, 2021.

**FOR FURTHER INFORMATION CONTACT:** Martin Doczkat, Office of Engineering and Technology Bureau, at (202) 418–2435, or email: *Martin.Doczkat@fcc.gov.*

**SUPPLEMENTARY INFORMATION:** This document announces that, on March 1, 2021 OMB approved, for a period of three years, the information collection requirements relating to the Radiofrequency ''RF'' Exposure Evaluation rules contained in the Commission's *Order,* FCC 19–126, published at 85 FR 33578, June 2, 2020. The OMB Control Numbers are 3060–0004 and 3060–0057. The Commission publishes this document as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. Please include the OMB Control Numbers, 3060–0004 and 3060–0057, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

## Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on March 1, 2021, for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR parts 1 and 2.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Numbers are 3060–0004 and 3060–0057.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060–0004.

*OMB Approval Date:* March 1, 2021.

*OMB Expiration Date:* March 31, 2024.

*Title:* Sections 1.1307 and 1.1311, Guidelines for Evaluating the Environmental Effects of Radiofrequency.

*Form Number:* N/A.

*Respondents:* Business or other for-profit; Not-for-profit institutions, Individuals or households, State, Local or Tribal Government.

*Number of Respondents and Responses:* 335,441 respondents; 335,441 responses.

*Estimated Time per Response:* 5 minutes (0.0833 hours)—20 hours.

*Frequency of Response:* On occasion reporting requirements; Recordkeeping requirements and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154(i), 302, 303, 303(r), and 307.

*Total Annual Burden:* 41,997 hours.

*Total Annual Cost:* $2,933,431.

*Nature and Extent of Confidentiality:* Minimal exemption from the Freedom of Information Act (FOIA) under 5 U.S.C. 552(b)(4) and FCC rules under 47 CFR 0.457(d) is granted for trade secrets and privileged or confidential commercial or financial information, which may be submitted to the Commission as part of the documentation of test results. No other assurances of confidentiality are provided to respondents.

*Privacy Act Impact Assessment:* No impact(s).

*Needs and Uses:* On November 27, 2019, the Commission adopted the RF Second Report and Order, ET Docket 03–137, 13–84 and 19–226, FCC 19–126, which involves updates to 47 CFR part 1—Actions that may have a significant environmental effect, for which Environmental Assessments (EA) must be prepared. The Second Report and Order included amendments to rule section 1.1307 requiring approval by OMB under the Paperwork Reduction Act. Revisions to the associated information collection effected by the amendments to rule section 1.1307 are reported herein. Accordingly, 47 CFR 1.1307 was amended to read as shown below. These rules will become effective on May 3, 2021.

The Second Report and Order also provided a two-year period for existing licensees to ensure that they are in compliance with the new rules. The Commission confirmed that this period begins upon the effective date of the rules. It further stated that new facilities and operations (*e.g.,* broadcast facilities and wireless base stations) will be subject to compliance with the new rules upon the effective date of the rules. ''New facilities'' means facilities authorized on a site-specific basis on or after the effective date of the new rules or, for facilities deployed and operating under existing license authorization or rule part (such as a geographic area license or unlicensed or licensed by rule), facilities whose construction and operation is completed on or after that date. A facility will still be ''new'' for these purposes even if it is located on an existing, registered antenna structure. In addition, any facility or operation that is modified in a way that could affect RF exposure after the effective date of the rules also must comply with the new rules no later than the time at which it is modified.

All other licensees and operators of existing facilities and operations will have two years from May 3, 2021 to ensure that they are in compliance with the new rules. This includes parties whose licenses are renewed during the two-year period and those who make modifications that would not affect RF exposure (such as administrative updates). These parties will have to determine whether any of their existing facilities and operations that were previously excluded under the old rules qualify for an exemption under the new rules. If they do not qualify for an exemption, they must perform an evaluation. Facilities and operations that require mitigation must come into compliance with the new, detailed requirements for signage, access control, etc. While these parties may rely upon their compliance with the rules as they existed prior to the RF Report and Order during the two-year period, they must comply with the new rules no later than the end of the two-year period.

*OMB Control Number:* 3060–0057.

*OMB Approval Date:* March 1, 2021.

*OMB Expiration Date:* March 31, 2024.

*Title:* Application for Equipment Authorization.

*Form Number:* FCC Form 731.

*Respondents:* Business or other for-profit.

*Number of Respondents and Responses:* 11,305 respondents; 24,873 responses.

*Estimated Time per Response:* 8.11 hours (rounded).

*Frequency of Response:* On occasion reporting requirements; and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. 154(i), 301, 302, 303(e), 303(f) and 303(r).

*Total Annual Burden:* 201,603 hours.

*Total Annual Cost:* $50,155,140.

Nature and Extent of Confidentiality: Minimal exemption from the Freedom of Information Act (FOIA) under 5 U.S.C. 552(b)(4) and FCC rules under 47 CFR 0.457(d) is granted for trade secrets which may be submitted as attachments to the application FCC Form 731. No other assurances of confidentiality are provided to respondents.

*Privacy Act Impact Assessment:* Yes. The personally identifiable information (PII) in this information collection is covered by a Privacy Impact Assessment (PIA), Equipment Authorizations Records and Files Information System. It is posted at: *https://www.fcc.gov/general/privacy-act-information#pia.*

*Needs and Uses:* On November 27, 2019, the Commission adopted the RF Second Report and Order, ET Docket 03–137, 13–84 and 19–226, FCC 19–126, which involves updates to 47 CFR part 2—Radiofrequency (RF) Exposure Evaluation. The Second Report and Order included amendments to rule sections 2.1091 and 2.1093 requiring approval by OMB under the Paperwork Reduction Act. Revisions to the associated information collection effected by amendments to rule sections 2.1091 and 2.1093 are reported herein. Accordingly, 47 CFR 2.1091 was amended by revising paragraphs (b), (c), (d)(1), and (d)(2) and 47 CFR 2.1093 was amended by revising paragraphs (b), (c) and (d) to read as set forth below. These rules will become effective on May 3, 2021.

With respect to the two-year period provided by the Second Report and Order for existing licensees to ensure that they are in compliance with the new rules, the Commission stated that, for transmitting equipment, parties may continue to rely upon their compliance with the rules as they existed prior to the RF Report and Order as long as certified equipment is not modified in a way that could affect RF exposure; it confirmed that a two-year review period is not needed for such equipment. Certification applications for new and modified equipment must follow the Commission's equipment authorization procedures that are currently in effect.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2021–07720 Filed 4–19–21; 8:45 am]

**BILLING CODE 6712–01–P**

# Proposed Rules

Federal Register
Vol. 86, No. 74
Tuesday, April 20, 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–2021–0312; Project Identifier MCAI–2020–01376–T]**

**RIN 2120–AA64**

## Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain De Havilland Aircraft of Canada Limited Model DHC–8–102, –103, and –106 airplanes; Model DHC–8–201 and –202 airplanes; Model DHC–8–301, –311, and –315 airplanes; and Model DHC–8–400, –401, and –402 airplanes. This proposed AD was prompted by reports that mounting nuts attaching the rudder actuator bracket to the vertical stabilizer have been found cracked or missing due to hydrogen embrittlement. This proposed AD would require a one-time inspection of the rudder actuator bracket mounting nuts, and corrective actions if necessary. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by June 4, 2021.

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

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

For service information identified in this NPRM, contact De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

### Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0312; 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:** Aziz Ahmed, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0312; Project Identifier MCAI–2020–01376–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 Aziz Ahmed, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

### Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2020–34, dated October 6, 2020 (TCCA AD CF–2020–34) (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain De Havilland Aircraft of Canada Limited Model DHC–8–102, –103, and –106 airplanes; Model DHC–8–201 and –202 airplanes; Model DHC–8–301, –311, –314, and –315 airplanes; and Model DHC–8–400, –401, and –402 airplanes. Model DHC–8–314 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for

and locating Docket No. FAA–2021–0312.

This proposed AD was prompted by reports that mounting nuts attaching the rudder actuator bracket to the vertical stabilizer have been found cracked or missing due to hydrogen embrittlement. The FAA is proposing this AD to address the possible loss of the rudder actuator bracket, which could result in a dormant disconnection between the rudder actuator and the vertical stabilizer. This condition, if not addressed, could result in a loss of directional control of the aircraft. See the MCAI for additional background information.

**Related Service Information Under 1 CFR Part 51**

De Havilland has issued Service Bulletin 8–27–123, Revision A, dated September 8, 2020; and Service Bulletin 84–27–74, Revision B, dated September 8, 2020. This service information specifies procedures for doing a detailed visual inspection of the nuts attaching the rudder actuator brackets to the rear spar. If the nuts are corroded, cracked, or otherwise damaged, or if they are missing, they are replaced. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

**FAA's Determination**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

**Proposed AD Requirements in This NPRM**

This proposed AD would require accomplishing the actions specified in the service information already described.

**Costs of Compliance**

The FAA estimates that this AD, if adopted as proposed, would affect 69 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

| Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|
| 3 work-hours × $85 per hour = $255 | $0 | $255 | $17,595 |

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

ON-CONDITION COSTS

| Action | Labor cost | Parts cost | Cost per product |
|---|---|---|---|
| Nut replacement | 2 work-hours × $85 per hour = $170 | Minimal | $170 |

**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:

**De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.):** Docket No. FAA–

2021–0312; Project Identifier MCAI–2020–01376–T.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by June 4, 2021.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to De Havilland Aircraft of Canada Limited (type certificate previously held by Bombardier, Inc.) airplanes, certificated in any category, and identified in paragraphs (c)(1) through (4) of this AD.

(1) Model DHC–8–102, –103, and –106 airplanes, as identified in De Havilland Service Bulletin 8–27–123, Revision A, dated September 8, 2020.

(2) Model DHC–8–201 and –202 airplanes, as identified in De Havilland Service Bulletin 8–27–123, Revision A, dated September 8, 2020.

(3) Model DHC–8–301, –311, and –315 airplanes, as identified in De Havilland Service Bulletin 8–27–123, Revision A, dated September 8, 2020.

(4) Model DHC–8–400, –401, and –402 airplanes, as identified in De Havilland Service Bulletin 84–27–74, Revision B, dated September 8, 2020.

**(d) Subject**

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

**(e) Unsafe Condition**

This AD was prompted by reports that mounting nuts attaching the rudder actuator bracket to the vertical stabilizer have been found cracked or missing due to hydrogen embrittlement. The FAA is issuing this AD to address the possible loss of the rudder actuator bracket, which could result in a dormant disconnection between the rudder actuator and the vertical stabilizer. This condition, if not addressed, could result in a loss of directional control of the aircraft.

**(f) Compliance**

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

**(g) Required Actions**

Within 8,000 flight hours or 4 years, whichever is earlier, after the effective date of this AD: Do a detailed visual inspection of the rudder actuator bracket mounting nuts for missing nuts or corrosion, cracking, or other damage, in accordance with the Accomplishment Instructions of De Havilland Service Bulletin 8–27–123, Revision A, dated September 8, 2020; or De Havilland Service Bulletin 84–27–74, Revision B, dated September 8, 2020; as applicable. If any missing nuts or corrosion, cracking, or other damage is found, replace the nuts before further flight, in accordance with the Accomplishment Instructions of De Havilland Service Bulletin 8–27–123, Revision A, dated September 8, 2020; or De Havilland Service Bulletin 84–27–74, Revision B, dated September 8, 2020; as applicable.

**(h) Credit for Previous Actions**

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using De Havilland Service Bulletin 8–27–123, dated December 20, 2019; De Havilland Service Bulletin 84–27–74, dated December 20, 2019; or De Havilland Service Bulletin 84–27–74, Revision A, dated January 20, 2020; as applicable.

**(i) No Reporting Requirement**

Although De Havilland Service Bulletin 8–27–123, Revision A, dated September 8, 2020; and De Havilland Service Bulletin 84–27–74, Revision B, dated September 8, 2020, specify to submit certain information to the manufacturer, this AD does not include that requirement.

**(j) Other FAA AD Provisions**

The following provisions also apply to this AD:

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

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

**(k) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2020–34, dated October 6, 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–2021–0312.

(2) For more information about this AD, contact Aziz Ahmed, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on April 13, 2021.

**Gaetano A. Sciortino,**

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

[FR Doc. 2021–07985 Filed 4–19–21; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2021–0309; Project Identifier MCAI–2020–00918–T]**

**RIN 2120–AA64**

## Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701 & 702), CL–600–2C11 (Regional Jet Series 550), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. This proposed AD was prompted by reports and a design review indicating that there could be possible corrosion on the main landing gear (MLG) outer cylinder at the interface with the gland nut on the shock strut installation and on the forward and aft trunnion pins in the MLG dressed shock strut assembly. This proposed AD would require detailed inspections for corrosion on the MLG outer cylinder assemblies, certain MLG dressed shock strut assemblies, and the MLG outer cylinder at the gland nut threads, thread relief groove, and chamfer; a detailed inspection for the presence of corrosion-inhibiting compound (CIC) on the MLG forward and aft trunnion pins and grease adapter assemblies; applicable corrective actions; application of primer, paint, and CIC as applicable; re-identification of certain part numbers; and marking of the MOD STATUS field of the nameplate of certain parts. 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 June 4, 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 Bombardier service information identified in this NPRM, contact MHI RJ Aviation ULC, 12655 Henri-Fabre Blvd., Mirabel, Québec J7N 1E1 Canada; Widebody Customer Response Center North America toll-free telephone +1–844–272–2720 or direct-dial telephone +1–514–855–8500; fax +1–514–855–8501; email *thd.crj@mhirj.com;* internet *https://eservices.aero.bombardier.com.*

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

## Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0309; 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:** Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0309; Project Identifier MCAI–2020–00918–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

## Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

## Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2019–17R1, dated June 18, 2020 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for MHI RJ Aviation ULC (type certificate previously held by Bombardier, Inc.) Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL–600–2C11 (Regional Jet Series 550) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0309.

This proposed AD was prompted by reports and a design review indicating that there could be corrosion on the MLG outer cylinder assemblies and certain MLG dressed shock strut assemblies; primer was not correctly applied at the gland nut thread relief groove and chamfer areas on certain MLG outer cylinders during production; and CIC was inadvertently removed from certain MLG forward and aft trunnion pins and grease adapter assemblies during maintenance. The FAA is proposing this AD to address undetected corrosion on the MLG forward and aft trunnion pins, and the gland nut interface on certain MLG outer cylinders, which could result in an MLG collapse. See the MCAI for additional background information.

## Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service information.

- Service Bulletin 670BA–32–024, Revision C, dated February 11, 2015, which describes procedures for a detailed visual inspection of the MLG outer cylinder assemblies and dressed shock strut assemblies for corrosion of the outer cylinder gland nut thread interface and relief area, and corrective actions including repair and corrosion removal.
- Service Bulletin 670BA–32–034, Revision B, dated December 21, 2018, which describes procedures for a detailed visual inspection of the inside diameter of the MLG trunnion pins for discrepancies including the condition of paint and CIC and evidence of corrosion, and corrective actions including replacement and rework of the trunnion pins as applicable.
- Service Bulletin 670BA–32–039, dated February 29, 2012, which describes procedures for inspections of the inner diameter of the MLG forward and aft trunnion pins for discrepancies including corrosion and inadequate CIC, and corrective actions including application of CIC and replacement of corroded forward and aft trunnion pins with serviceable parts.
- Service Bulletin 670BA–32–052, dated February 9, 2015, which describes procedures for a detailed visual inspection of the gland nut thread relief groove and chamfer surface for the condition of the protective coating and

for discrepancies including evidence of corrosion or rework at the gland nut thread relief groove and chamfer surface of the MLG shock strut outer cylinder assemblies, and corrective actions including corrosion removal.

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

**FAA's Determination**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

**Proposed Requirements of This NPRM**

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the MCAI or Service Information.''

**Differences Between This Proposed AD and the MCAI or Service Information**

Although certain service information specifies to return damaged MLG trunnion pins to Goodrich Landing Gear, that action would not be required by this proposed AD.

**Costs of Compliance**

The FAA estimates that this proposed AD affects 562 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

| Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|
| Up to 100 work-hours × $85 per hour = Up to $8,500 | Up to $36,604 | Up to $45,104 | Up to $25,348,448. |

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

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.):** Docket No. FAA–2021–0309; Project Identifier MCAI–2020–00918–T.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by June 4, 2021.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to the MHI RJ Aviation ULC (type certificate previously held by Bombardier, Inc.) airplanes, certificated in any category, specified in paragraphs (c)(1) through (3) of this AD.

(1) Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) and Model CL–600–2C11 (Regional Jet Series 550) airplanes, serial numbers 10002 and subsequent.

(2) Model CL–600–2D15 (Regional Jet Series 705) airplanes and CL–600–2D24 (Regional Jet Series 900) airplanes, serial numbers 15001 and subsequent.

(3) Model CL–600–2E25 (Regional Jet Series 1000) airplanes, serial numbers 19001 and subsequent.

**(d) Subject**

Air Transport Association (ATA) of America Code 32, Landing Gear.

**(e) Reason**

This AD was prompted by reports and a design review indicating that there could be corrosion on the main landing gear (MLG) outer cylinder assemblies at the interface with the gland nut on the shock strut installation and on the forward and aft trunnion pins in the MLG dressed shock strut assemblies; primer was not correctly applied at the gland nut thread relief groove and chamfer areas on certain MLG outer cylinders during production; and corrosion-inhibiting compound (CIC) could have inadvertently been removed from certain MLG forward and aft trunnion pins and grease adapter assemblies during maintenance. The FAA is issuing this AD to address undetected corrosion on the MLG forward and aft trunnion pins, and the gland nut interface on certain MLG outer cylinders, which could result in an MLG collapse.

**(f) Compliance**

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

**(g) Inspection and Application of Corrosion Protection for MLG Outer Cylinder Assemblies and Certain MLG Dressed Shock Strut Assemblies**

For airplanes identified in paragraphs (c)(1) and (2) of this AD with MLG outer cylinder assemblies and MLG dressed shock strut assemblies having part numbers and serial numbers specified in the effectivity tables in Section 1.A.(1) of Bombardier Service Bulletin 670BA–32–024, Revision C, dated February 11, 2015 (Bombardier Service Bulletin 670BA–32–024, Revision C): At the applicable time specified in paragraph (g)(1) or (2) of this AD, do a detailed visual inspection for corrosion and all other required actions specified in, and in accordance with, Section 2., Part A, of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–32–024, Revision C.

(1) For MLG assemblies that have accumulated 12,500 total flight hours or less, and have been in service for 72 months or less from entry into service or the last overhaul date: Within 6,500 flight hours or 36 months, whichever comes first, after the effective date of this AD.

(2) For MLG assemblies that have accumulated more than 12,500 total flight hours, or have been in service for more than 72 months from entry into service or the last overhaul date: Within 3,500 flight hours or 24 months, whichever occurs first, after the effective date of this AD.

**(h) Inspection of Certain Other MLG Dressed Shock Strut Assemblies and Corrective Action**

For airplanes identified in paragraphs (c)(1) and (2) of this AD, equipped with MLG dressed shock strut assemblies having part numbers (P/Ns) 49000–25 through 49000–46 and P/Ns 49050–15 through 49050–22, on which the MLG active dynamic seal has been replaced with the spare dynamic seal as specified in Bombardier CRJ700/705/900/1000 Aircraft Maintenance Manual (AMM), CSP B–001, Task 32–11–10–960–802, Revision 37, dated November 25, 2011, or earlier: At the applicable time specified in paragraph (h)(1) or (2) of this AD, do a detailed visual inspection of the MLG dressed shock strut assemblies for corrosion, and all applicable corrective actions, in accordance with Section 2., Part B, of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–32–024, Revision C.

(1) For MLG assemblies that have accumulated 12,500 total flight hours or less, and have been in service for 72 months or less from entry into service or the last overhaul date: Within 6,500 flight hours or 36 months, whichever comes first, after the effective date of this AD.

(2) For MLG assemblies that have accumulated more than 12,500 total flight hours, or have been in service for more than 72 months from entry into service or the last overhaul date: Within 3,500 flight hours or 24 months, whichever occurs first, after the effective date of this AD.

**(i) Inspection of MLG Outer Cylinder at the Gland Nut threads, Thread Relief Groove, and Chamfer and Corrective Action**

For airplanes identified in paragraphs (c)(1) through (3) of this AD equipped with MLG outer cylinder assemblies having part numbers and serial numbers specified in Section 1.A., Effectivity, of Bombardier Service Bulletin 670BA–32–052, dated February 9, 2015: Within 6,500 flight hours or 36 months, whichever occurs first after the effective date of this AD: Do a detailed visual inspection, of the MLG shock strut outer cylinder assemblies and do all other required actions specified in, and, in accordance with Section 2. of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–32–052, dated February 9, 2015.

**(j) Inspection of Certain MLG Forward and Aft Trunnion Pins, and Corrective Action**

For airplanes identified in paragraphs (c)(1) through (3) of this AD equipped with MLG forward and aft trunnion pins and grease adapter assemblies having part numbers and serial numbers specified in Section 1.A., Effectivity, of Bombardier Service Bulletin 670BA–32–034, Revision B, dated December 21, 2018: At the applicable time specified in paragraph (j)(1) or (2) of this AD, do a detailed visual inspection of the MLG forward and aft trunnion pins and do all applicable corrective actions, in accordance with Section 2.B. and paragraphs 2.C.(6) and (8) of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–32–034, Revision B, dated December 21, 2018.

**Note 1 to paragraph (j):** The corrective action is applicable only to MLG forward and aft trunnion pins having P/Ns 49101–9, –11, and –13 reworked from P/Ns 49101–1, –5, and –7, as specified in the procedures in Goodrich Service Bulletin 49101–32–47, any revision. The corrective action is not applicable to MLG forward and aft trunnion pins having P/Ns 49101–9, –11, and –13 that were installed as original equipment or purchased from Goodrich Landing Gear.

(1) For MLG forward and aft trunnion pins and grease adapter assemblies that have not had the procedures specified in Goodrich Service Bulletin 49101–32–47, any revision, incorporated, at the applicable time specified in paragraph (j)(1)(i) or (ii) of this AD.

(i) For MLG forward and aft trunnion pins that have accumulated 10,000 total flight hours or less, and have been in service 60 months or less from the entry into service or last overhaul date: Within 6,500 flight hours or 36 months, whichever occurs first, after the effective date of this AD.

(ii) For MLG forward and aft trunnion pins that have accumulated more than 10,000 total flight hours, or have been in service for more than 60 months from entry into service or last overhaul date: Within 3,000 flight hours or 24 months, whichever occurs first, after the effective date of this AD.

(2) For MLG forward and aft trunnion pins that have had the procedures specified in Goodrich Service Bulletin 49101–32–47, any revision, incorporated: Within 6,500 flight hours or 36 months, whichever occurs first, after the effective date of this AD.

**(k) Inspection of Certain Other MLG Trunnion Pins Having P/Ns 49101–9, 49101–11, and 49101–13, Maintained Using Certain Maintenance Instructions**

For airplanes identified in paragraphs (c)(1) through (3) of this AD equipped with MLG forward and aft trunnion pins having P/Ns 49101–9, 49101–11, and 49101–13 that were maintained in accordance with the tasks identified in paragraphs (k)(1) through (4) of this AD: Within 6,500 flight hours or 36 months after the effective date of this AD, whichever occurs first, do a detailed visual inspection of the MLG forward and aft trunnion pins, and do all applicable corrective actions, in accordance with Section 2. of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–32–039, dated February 29, 2012.

(1) Bombardier CRJ700/705/900/1000 AMM, CSP B–001, Task 32–11–05–400–801 A01, Revision 31, dated March 20, 2010, or earlier.

(2) Bombardier CRJ700/705/900/1000 AMM, CSP B–001, Task 32–11–05–400–801 A02, Revision 34, dated November 20, 2010, or earlier.

(3) Bombardier CRJ700/705/900/1000 AMM, CSP B–001, Task 32–11–05–400–804 A01, Revision 35, dated March 20, 2011, or earlier.

(4) Bombardier CRJ700/705/900/1000 AMM, CSP B–001, Task 32–11–05–400–805 A01, Revision 35, dated March 20, 2011, or earlier.

**Note 2 to paragraph (k):** The corrective action described in this paragraph is not applicable to MLG forward and aft trunnion pins having P/Ns 49101–9, –11, and –13 reworked from P/Ns 49101–1, –5, and –7 as specified in the procedures in Goodrich SB 49101–32–47, any revision. The corrective action described in this paragraph is applicable to MLG forward and aft trunnion pins having P/Ns 49101–9, –11, and –13 installed as original equipment or purchased from Goodrich Landing Gear.

**(l) Credit for Previous Actions**

(1) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Section 2., Part A, of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–32–024, Revision B, dated December 19, 2012.

(2) This paragraph provides credit for actions required by paragraph (h) of this AD if those actions were performed before the effective date of this AD using Section 2., Part B, of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–32–024, Revision B, dated December 19, 2012; or Bombardier CRJ700/705/900/1000 Aircraft Maintenance Manual (AMM), CSP B–001, Task 32–11–10–960–802, Revision 38, dated March 25, 2012.

(3) This paragraph provides credit for actions required by paragraph (j) of this AD if those actions were performed before the effective date of this AD using Section 2.B. and paragraphs 2.C.(6) and (8) of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–32–034, dated February 29, 2012; or Revision A, dated August 17, 2012.

(4) This paragraph provides credit for actions required by paragraph (k) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraphs (l)(4)(i) through (iv) of this AD.

(i) Bombardier CRJ700/900/1000 Aircraft Maintenance Manual (AMM), CSP B–001, Task 32–11–05–400–801 A01, Revision 38, dated March 25, 2012.

(ii) Bombardier CRJ700/900/1000 AMM, CSP B–001, Task 32–11–05–400–801 A02, Revision 38, dated March 25, 2012.

(iii) Bombardier CRJ700/900/1000 AMM, CSP B–001, Task 32–11–05–400–804 A01, Revision 37, dated November 25, 2011, for actions specified in Section 2.B.(1) of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–32–039, dated February 29, 2012.

(iv) Bombardier CRJ700/900/1000 AMM, CSP B–001, Task 32–11–05–400–805 A01, Revision 37, dated November 25, 2011, for actions specified in Section 2.B.(2) of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–32–039, dated February 29, 2012.

**(m) No Requirement for Return of Parts**

Although certain service information referenced in this AD specifies to return damaged MLG trunnion pins to Goodrich Landing Gear, this AD does not include that requirement.

**(n) Other FAA AD Provisions**

The following provisions also apply to this AD:

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

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

**(o) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2019–17R1, dated June 18, 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–2021–0309.

(2) For more information about this AD, contact Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) For Bombardier service information identified in this AD, contact MHI RJ Aviation ULC, 12655 Henri-Fabre Blvd., Mirabel, Québec J7N 1E1 Canada; Widebody Customer Response Center North America toll-free telephone +1–844–272–2720 or direct-dial telephone +1–514–855–8500; fax +1–514–855–8501; email *thd.crj@mhirj.com;* internet *https://eservices.aero.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on April 13, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021–08053 Filed 4–19–21; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2021–0316; Project Identifier MCAI–2020–00461–E]**

**RIN 2120–AA64**

## Airworthiness Directives; GE Aviation Czech s.r.o. (Type Certificate Previously Held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.) Turboprop Engines

**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 GE Aviation Czech s.r.o. (GEAC) H75–200, H80–100, and H80–200 model turboprop engines. This proposed AD was prompted by several reports of engine gas generator speed (Ng) rollbacks occurring below idle on GEAC H75–200, H80–100, and H80–200 model turboprop engines. This proposed AD would require an inspection of a certain part number (P/N) fuel control unit (FCU) and, if deficiencies are detected, replacement of the FCU with a part eligible for installation. 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 June 4, 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.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact GE Aviation Czech, Beranových 65 199 02 Praha 9—Letňany, Czech Republic; phone: +420 222 538 111. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

### Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0316; 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, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** Barbara Caufield, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7146; fax: (781) 238–7199; email: *barbara.caufield@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–2021–0316; Project Identifier MCAI–2020–00461–E'' 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 Barbara Caufield, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Background**

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2020–0082, dated April 1, 2020 (referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

Several occurrences have been reported of engine gas generator speed (Ng) rollbacks below idle on engines equipped with an affected part.

The investigation determined that, during these events, the engine control lever (ECL) was set to idle, and identified as contributing factors specific environmental temperatures, possibly in combination with a high power off-take. The idle setting may be used in flight, in particular during the approach phase.

This condition, if not detected and corrected, may lead to loss of engine power and eventually, on a single engine aeroplane, possibly result in loss of control.

To address this potential unsafe condition, GEAC issued the ASB providing applicable instructions.

For the reason described above, this [EASA] AD requires, for engines installed on single-engine aircraft, repetitive functional checks of the affected part and, eventually, replacement with serviceable part.

You may obtain further information by examining the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0316.

**FAA's Determination**

This product has been approved by EASA and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified the FAA of the unsafe condition described in the MCAI and service information. The FAA is issuing this NPRM because the agency evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

**Related Service Information Under 1 CFR Part 51**

The FAA reviewed GE Aviation Czech Alert Service Bulletin (ASB) No. ASB–H80–73–00–00–0052[00]/ASB–H75–73–00–00–0022[00] (single document), Revision 00, dated February 6, 2020. This service information specifies procedures for performing a functional inspection of the FCU, part number (P/N) LUN 6590.07–8, and replacing the FCU. 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.

**Proposed AD Requirements in This NPRM**

This proposed AD would require a functional inspection of the FCU, P/N LUN 6590.07–8, and, if deficiencies are detected, replacement of the FCU with a part eligible for installation. This proposed AD would also require removal and replacement of the FCU, P/N LUN 6590.07–8, during the next engine overhaul or within 44 months, whichever occurs first after the effective date of this AD.

**Differences Between This Proposed AD and the Service Information or MCAI**

The requirement in EASA AD 2020–0082, dated April 1, 2020, to perform a functional inspection and if applicable, corrective action, is limited to GEAC H75–200, H80–100, and H80–200 model turboprop engines installed on single engine airplanes. This proposed AD does not base compliance on the type of airplane on which the affected engines are installed. In addition, paragraph (g)(2) of this proposed AD requires operators to perform steps 1 through 7 of paragraph 2.1.1 in the ASB while the ASB specifies doing steps 1 through 8. The FAA confirmed with the manufacturer that the reference to step 8 in the ASB is an error.

**Costs of Compliance**

The FAA estimates that this AD, if adopted as proposed, would affect 33 engines installed on airplanes 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 |
|---|---|---|---|---|
| Functional Inspection of FCU | 0.50 work-hours × $85 per hour = $42.50 | $0 | $42.50 | $1,402.50 |
| Replace FCU | 4 work-hours × $85 per hour = $340 | 25,000 | 25,340 | 836,220 |

**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:

**GE Aviation Czech s.r.o. (Type Certificate previously held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.):** Docket No. FAA–2021–0316; Project Identifier MCAI–2020–00461–E.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by June 4, 2021.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to GE Aviation Czech s.r.o. (GEAC) (Type Certificate previously held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.) H75–200, H80–100, and H80–200 model turboprop engines.

**(d) Subject**

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

**(e) Unsafe Condition**

This AD was prompted by several reports of engine gas generator speed (Ng) rollbacks below idle on GEAC H75–200, H80–100, and H80–200 model turboprop engines with a fuel control unit (FCU), part number (P/N) LUN 6590.07–8, installed. The FAA is issuing this AD to prevent engine Ng rollbacks below idle on engines equipped with an FCU, P/N LUN 6590.07–8. The unsafe condition, if not addressed, could result in loss of engine power and loss of control of the airplane.

**(f) Compliance**

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

**(g) Required Actions**

(1) Within 100 flight hours (FHs) after the effective date of this AD, and thereafter at intervals not to exceed 100 FHs since the previous inspection, perform a functional inspection of the FCU, P/N LUN 6590.07–8, using the Accomplishment Instructions, paragraph 2.1.1, Ground Check Procedure, of GE Aviation Czech Alert Service Bulletin No. ASB–H80–73–00–00–0052[00]/ASB–H75–73–00–00–0022[00] (single document), Revision 00, dated February 6, 2020 (the ASB).

(2) If, during any functional inspection required by paragraph (g)(1) of this AD, the engine Ng is:

(i) Equal to or greater than 57% up to and including 60%, then no further action is required.

(ii) Equal to or greater than 55% but lower than 57%, then follow the steps 1 through 3 under ''Ng speed is equal to or above 55% and below 57%'' in the Accomplishment Instructions, paragraph 2.1.2, Ground check results evaluation, of the ASB.

(iii) Below 55%, then follow steps 1 and 2 under ''Ng speed is below 55%'' in the Accomplishment Instructions, paragraph 2.1.2, Ground check results evaluation, of the ASB.

**Note to paragraph (g)(2):** In the Accomplishment Instructions, paragraph 2.1.2, of the ASB, where the ASB states ''Do steps 1 thru 8 after the FCU adjustment,'' do steps 1 through 7 of the Accomplishment Instructions, paragraph 2.1.1, in the ASB.

(3) During the next engine overhaul, or within 44 months, whichever occurs first after the effective date of this AD, remove the FCU, P/N LUN 6590.07–8, and replace it with a part eligible for installation.

**(h) Installation Prohibition**

After the effective date of this AD, do not install an FCU, P/N LUN 6590.07–8, onto any engine.

**(i) Definition**

For the purpose of this AD, a part eligible for installation is an FCU, P/N LUN 6590.71–8.

**(j) Terminating Action**

Installing a part eligible for installation onto an engine as required by paragraph (g)(2) or (3) of this AD, as applicable, constitutes terminating action for the functional inspections required by paragraph (g)(1) of this AD for that engine.

**(k) No Reporting Requirements**

The reporting requirements specified in paragraph 2.1.2 of the ASB are not required by this AD.

**(l) Alternative Methods of Compliance (AMOCs)**

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

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

**(m) Related Information**

(1) For more information about this AD, contact Barbara Caufield, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7146; fax: (781) 238–7199; email: *barbara.caufield@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2020–0082, dated April 1, 2020, for more information. You may examine the EASA AD in the AD docket at *https://www.regulations.gov* by searching for and locating it in Docket No. FAA–2021–0316.

(3) For service information identified in this AD, contact GE Aviation Czech, Beranových 65 199 02 Praha 9—Letňany, Czech Republic; phone: +420 222 538 111. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Issued on April 14, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021–08056 Filed 4–19–21; 8:45 am]

BILLING CODE 4910–13–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**[Docket No. FAA–2021–0207; Airspace Docket No. 21–ANM–6]**

**RIN 2120–AA66**

## Proposed Establishment of Class E Airspace; Missoula, MT

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class E domestic en route airspace extending upward from 1,200 feet above the surface at Missoula, MT. This airspace would facilitate vectoring of Instrument Flight Rules (IFR) aircraft and would properly contain IFR aircraft operating on direct routes under the control of Salt Lake City Air Route Traffic Control Center (ARTCC) and Seattle ARTCC. The FAA is proposing this action to enhance the safety and management of IFR operations within the National Airspace System (NAS).

**DATES:** Comments must be received on or before June 4, 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–2021–0207; Airspace Docket No. 21–ANM–6, 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:** Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

**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 at Missoula, MT, to support IFR operations within the 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 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–2021–0207; Airspace Docket No. 21–ANM–6''. 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 en route domestic airspace extending upward from 1,200 feet above the surface at Missoula, MT. This action would provide controlled airspace to facilitate vectoring of IFR aircraft under the control of Salt Lake City and Seattle ARTCCs. The airspace would also ensure proper containment of IFR aircraft operating on direct routes where the current en route structure is insufficient. This action would enhance the safety and management of IFR operations within the NAS.

Class E6 airspace designations are published in paragraph 6006 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 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 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 6006 En Route Domestic Airspace Areas.*

* * * * *

**ANM MT E6 Missoula, MT**

That airspace extending upward from 1,200 feet above the surface within an area beginning at lat 48°24′0.0″ N, long 115°44′57″ W, to lat 48°25′0.0″ N, long 113°35′21″ W, to lat 47°53′10″ N, long 113°35′0.0″ W, to lat 47°40′32.29″ N, long 112°32′46.33″ W, to lat 46°01′40.93″ N, long 112°32′45.82″ W, to lat 46°02′0.0″ N, long 113°20′0.0″ W, to lat 46°02′0.0″ N, long 115°0.0′0.0″ W, to lat 46°40′0.0″ N, long 115°0.0′0.0″ W, to lat 46°40′0.0″ N, long 115°45′0.0″ W, then to the point of beginning.

Issued in Des Moines, Washington, on April 2, 2021.

**B.G. Chew,**

*Acting Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2021–07999 Filed 4–19–21; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Docket No. FAA–2021–0325; Airspace Docket No. 21–AGL–20]**

**RIN 2120–AA66**

## Proposed Amendment and Revocation of Class E Airspace; Michigan, MI

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend the Class E airspace area extending upward from 1,200 feet above the surface over the State of Michigan and remove overlapping and redundant enroute domestic airspace areas within these boundaries. The FAA is proposing this action to correct, simplify, and close gaps in the Class E airspace extending upward from 1,200 feet above the surface over the State of Michigan; provide transitional airspace to support instrument flight rule (IFR) operations to and from the terminal and enroute environments within the state; and improve air traffic control services over the state.

**DATES:** Comments must be received on or before May 20, 2021.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2021–0325/Airspace Docket No. 21–AGL–20, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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:** Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

**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 amend the Class E airspace area extending upward from 1,200 feet above the surface over the State of Michigan and remove the enroute domestic airspace at Upper Peninsula, MI; Iron Mountain, MI; and Newberry, MI, which would become redundant, to correct, simplify, and close gaps in the Class E airspace extending upward from 1,200 feet above the surface over the State of Michigan; provide transitional airspace to support IFR operations to and from the terminal and enroute environments within the state; and improve air traffic services over the state.

**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. Commenters 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–2020–0325/Airspace Docket No. 21–AGL–20.'' The postcard will be date/time stamped and returned to the commenter.

Pursuant to FAA Order 7400.2M, Procedures for Handling Airspace Matters, the FAA typically provides the public with a 45 day comment period. However, the FAA finds a basis exists to deviate from the FAA Order 7400.2M and provide a 30 day comment period. This action provides an overall solution to various issues with the Class E airspace over the State of Michigan and corrects an error made in Docket 20–AGL–37, Marquette, MI, which revoked certain Class E airspace and created Class G airspace in its place (85 FR 83764, Dec. 23, 2020). The FAA is currently addressing this issue with a temporary Notice to Airmen (NOTAM), PNM 04/081 ZMP. As the NOTAM is a short term solution and this action would establish a long term solution that eliminates any safety risks stemming from confusion with regard to the requirements in that airspace, the FAA finds the 30 day comment period justified.

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 Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 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.

## The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class E airspace area extending upward from 1,200 feet above the surface within the boundary of the State of Michigan by removing the limitation of ''south of parallel 45°45′'' from the airspace legal description; and

Removing the enroute domestic airspace area over the Upper Peninsula, MI; Iron Mountain, MI; and Newberry, MI, as they would be redundant with the amendment of the Class E airspace area extending upward from 1,200 feet above the surface within the boundary of the State of Michigan.

This action is being proposed to correct, simplify, and close gaps in the Class E airspace extending upward from 1,200 feet above the surface over the State of Michigan; provide transitional airspace to support IFR operations to and from the terminal and enroute environments within the state; and improve air traffic control services over the State of Michigan.

Class E airspace designations are published in paragraphs 6005 and 6006, respectively, 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 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 15th.

## 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 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.*

* * * * *

**AGL MI E5 Michigan, MI [Amended]**

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Michigan.

*Paragraph 6006 En Route Domestic Airspace Areas.*

* * * * *

**AGL MI E6 Upper Peninsula, MI [Removed]**

**AGL MI E6 Iron Mountain, MI [Removed]**

**AGL MI E6 Newberry, MI [Removed]**

Issued in Fort Worth, Texas, on April 14, 2021.

**Martin A. Skinner,**

*Acting Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2021–08009 Filed 4–19–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF EDUCATION

### 34 CFR Chapter II

**[Docket ID ED–2021–OESE–0045]**

### Proposed Priorities—Effective Educator Development Division Programs

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Proposed priorities.

**SUMMARY:** The Department of Education (Department) proposes priorities for the following programs of the Effective Educator Development Division (EED): Teacher and School Leader Incentive Grants (TSL), Assistance Listing Number (ALN) 84.374A; Teacher Quality Partnerships (TQP), ALN 84.336S; and Supporting Effective Educator Development (SEED), ALN 84.423A. We may use these priorities for competitions in fiscal year (FY) 2021 and later years. We propose these priorities to focus on educator development, leadership, and diversity in the various EED programs in order to improve the quality of teaching and school leadership.

**DATES:** We must receive your comments on or before May 20, 2021.

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''FAQ.''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about the proposed priorities, address them to Orman Feres, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C124, Washington, DC 20202.

*Privacy Note:* The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** Orman Feres, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C124, Washington, DC 20202. Telephone: (202) 453–6921. Email: *orman.feres@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:**

*Invitation to Comment:* We invite you to submit comments regarding the proposed priorities. To ensure that your comments have maximum effect in developing the notice of final priorities, we urge you to clearly identify the specific section of the proposed priorities that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from the proposed priorities. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of our programs.

During and after the comment period, you may inspect all public comments about the proposed priorities by accessing *Regulations.gov.* Due to the novel coronavirus 2019 (COVID–19) pandemic, the Department buildings are currently not open to the public. However, upon reopening you may also inspect the comments in person in room 3C124, 400 Maryland Avenue SW, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

*Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record:* On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed priorities. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

*Purpose of Programs:* We are proposing priorities for use in three Department programs: TSL, SEED, and TQP. The purpose of TSL is to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand comprehensive performance-based compensation systems (PBCS) or human capital management systems (HCMS) for teachers, principals, and other school leaders (especially for teachers, principals, and other school leaders in high-need schools who raise student academic achievement and close the achievement gap between high- and low-performing students). In addition, a portion of TSL funds may be used to study the effectiveness, fairness, quality, consistency, and reliability of PBCS or HCMS for teachers, principals, and other school leaders (educators). The SEED program provides funding to increase the number of highly effective educators by supporting the implementation of evidence-based practices that prepare, develop, or enhance the skills of educators. SEED grants allow eligible entities to develop, expand, and evaluate practices that can serve as models to be sustained and disseminated. The purposes of the TQP program are to improve student achievement; improve the quality of prospective and new teachers by improving the preparation of prospective teachers and enhancing professional development activities for new teachers; hold teacher preparation programs at institutions of higher education accountable for preparing teachers who meet applicable State certification and licensure requirements; and recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

*Program Authority:* 20 U.S.C. 1221e–3. TSL: Section 2211–2213 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. 6631–6633. SEED: Section 2242 of the ESEA, 20 U.S.C. 6672. TQP: Sections 200–204 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1021–1022c.

*Proposed Priorities:* This document contains two proposed priorities.

*Proposed Priority 1—Supporting Educators and Their Professional Growth.*

*Background:*

In Proposed Priority 1, the Department emphasizes the importance of promoting the continued development and growth of educators, including through leadership opportunities. It is well established that teacher effectiveness contributes greatly to student academic outcomes, yet there is variation in teacher effectiveness within and across schools, including significant inequity in students' access to effective teachers, particularly for students from low-income backgrounds, students of color, and students with disabilities.

As such, it is essential to attract and retain a well-qualified, experienced, effective, and diverse pool of skilled educators, to ensure that they have access to high-quality comprehensive preparation programs that have high standards for successful completion, and to ensure that they are prepared to teach diverse learners (*e.g.,* through co-teaching models, dual certifications, universal design for learning). Equally important is supporting and retaining qualified and effective educators through practices such as creating or enhancing opportunities for professional growth, including through leadership opportunities, reforming compensation and advancement systems, creating conditions for successful teaching and learning, advanced educator certification such as national board teacher or principal certification, and through paying the tuition of effective current teachers seeking an additional certification in these areas.

This proposed priority focuses on strengthening teacher recruitment, selection, preparation (such as through partnerships with institutions of higher education to implement educator residencies that include one year of high-quality clinical experiences (prior to becoming the teacher of record) in high-need schools), support, development, effectiveness, recognition, and retention in ways that are consistent with the Department's policy goals of supporting teachers as the professionals they are, improving outcomes for all students, and ensuring that students from low-income backgrounds, students of color, students with disabilities, and other historically underserved students have equal access to qualified, experienced, and effective educators.

*Proposed Priority:*

Projects that are designed to increase the number and percentage of well-prepared, experienced, effective, and diverse educators—which may include one or more of the following: Teachers, principals, paraprofessionals, or other school leaders as defined in section 8101(44) of the ESEA—through evidence-based strategies (as defined in 34 CFR 77.1 or the ESEA) incorporating one or more of the following:

(a) Adopting, implementing, or expanding efforts to recruit, select, prepare, support, and develop talented, diverse individuals to serve as mentors, instructional coaches, principals, or school leaders in high-need schools (as may be defined in the program's authorizing statute or regulations) who have the knowledge and skills to significantly improve instruction.

(b) Implementing practices or strategies that support high-need schools (as may be defined in the program's authorizing statute or regulations) in recruiting, preparing, hiring, supporting, developing, and retaining qualified, experienced, effective, diverse educators.

(c) Increasing the number of teachers with State or national advanced educator certification or certification in a teacher shortage area, as determined by the Secretary, such as special education or bilingual education.

(d) Providing high-quality professional development opportunities to all educators in high-need schools (as may be defined in the program's authorizing statute or regulations) on meeting the needs of diverse learners, including students with disabilities and English learners.

*Proposed Priority 2—Increasing Educator Diversity.*

*Background:*

In Proposed Priority 2, the Department recognizes that diverse educators will play a critical role in ensuring equity in our education system, as discussed in ''The State of Racial Diversity in the Educator Workforce'' report published by the Department in 2016: *www2.ed.gov/rschstat/eval/highered/racial-diversity/state-racial-diversity-workforce.pdf.* As that report highlights, research shows that diversity in schools, including racial diversity among teachers, can provide significant benefits to students. While students of color are expected to make up 56 percent of the student population by 2024, the elementary and secondary educator workforce is still overwhelmingly white.[1] In fact, the most recent U.S. Department of Education National Teacher and Principal Survey (NTPS), a nationally representative survey of teachers and principals, showed that 80 percent of public school teachers identified as white. This figure has hardly changed in more than 15 years as a similar survey conducted by the Department in 2000 found that 84 percent of teachers identified as white.[2]

Improving educator diversity—including racial, cultural, and linguistic diversity—can help all students. Diverse educators are positive role models for all students in breaking down negative stereotypes and preparing students to live and work in a multiracial society. In addition to providing advantages for all students, the racial diversity of the teaching workforce can help to close the achievement gap,[3] emerging research[4] suggests. Both quantitative and qualitative studies find that diverse educators can improve the school experiences of all students; further, diverse educators[5] contribute to improved academic outcomes while serving as strong role models for students.[6]

One report suggests that, compared with their peers, educators of color are more likely to (1) have higher expectations of students of color (as measured by higher numbers of referrals to gifted programs);[7] (2) confront issues of racism; (3) They also serve as

[1] The term ''white'' in this report refers to a socially constructed category of individuals who self-identify as white and non-Hispanic. U.S. Department of Education, National Center for Education Statistics. ''Table 209.10: Number and percentage distribution of teachers in public and private elementary and secondary schools, by selected teacher characteristics: Selected years, 1987–88 through 2017–18.'' Digest of Education Statistics, 2018. *https://nces.ed.gov/programs/digest/d19/tables/dt19_209.10.asp?current=yes.*

[2] U.S. Department of Education, National Center for Education Statistics. ''Table 209.10: Number and percentage distribution of teachers in public and private elementary and secondary schools, by selected teacher characteristics: Selected years, 1987–88 through 2017–18.'' Digest of Education Statistics, 2018. *https://nces.ed.gov/programs/digest/d19/tables/dt19_209.10.asp?current=yes.*

[3] Redding, Christopher. ''A Teacher Like Me: A Review of the Effect of Student-Teacher Racial/Ethnic Matching on Teacher Perceptions of Students and Student Academic and Behavioral Outcomes.'' Review of Educational Research, 89 (2019) 499–535.

[4] Egalite, Anna, Brian Kisida, and Marcus A. Winters. ''Representation in the Classroom: The Effect of Own-race Teachers on Student Achievement,'' Economics of Education Review, 45 (April 2015) 44–52.

[5] Grissom, Jason, Sarah Kabourek, and Jenna Kramer. ''Exposure to same-race or same-ethnicity teachers and advanced math course-taking in high school: Evidence from a diverse urban district,'' Teachers College Record, 122 (2020) 1–42.

[6] Grissom, Jason and Christopher Redding. ''Discretion and disproportionality: Explaining the underrepresentation of high-achieving students of color in gifted programs.'' AERA Open, 2, (2016) 1–15.

[7] Lindsay, Constance and Cassandra Hart. ''Exposure to Same-race Teachers and Student Disciplinary Outcomes for Black Students in North Carolina.'' Educational Evaluation and Policy Analysis, 39 (2017) 485–510.

advocates and cultural brokers; and (4) develop more trusting relationships with students, particularly those with whom they share a cultural background.[8]

A 2014 report shows that, despite the critical role that teachers of color can play in helping students of color succeed, every State has a higher percentage of students of color than educators of color.[9] The teaching force has become slightly more diverse in recent years. But recent data from the National Center for Education Statistics (NCES) estimates that the elementary and secondary student population will continue to become less white and more diverse.[10]

Unless current trends change, the disparity between the racial makeup of students and teachers may increase further, fueling the need for substantially more progress in increasing teacher diversity.

This proposed priority is designed to address educator diversity through a broader lens of equity and inclusion due to emerging evidence that emphasizing diversity without a parallel focus on equity and inclusion can minimize the potential benefits of such efforts. As one recent reported concluded: ''While the data shows important differences in the practices of organizations with greater diversity, a singular focus on diversity without a commensurate focus on equity and inclusion will not maximize the potential benefits. We see striking evidence that organizations that approach diversity, equity, and inclusion in parallel have the greatest likelihood of realizing the benefits, such as staff engagement and retention.'' [11] To this end, the proposed priority focuses on addressing recruitment, outreach, preparation, support, retention, and advancement of educators while advancing diversity, equity, and inclusion.

*Proposed Priority:*

Under this priority, applicants must develop projects that are designed to improve the recruitment, outreach, preparation, support, development, and retention of a diverse educator workforce through adopting, implementing, or expanding one or more of the following:

(a) Educator diversity goals, timelines, and action plans at the State, district, or school level, including incorporating input from diverse educators.

(b) High-quality, comprehensive teacher preparation programs that have a track record of attracting, supporting, graduating, and placing underrepresented teacher candidates, and that include one year of high-quality clinical experiences (prior to becoming the teacher of record) in high-need schools (as may be defined in the program's authorizing statute or regulations).

(c) High-quality, comprehensive teacher preparation programs in Historically Black Colleges and Universities (eligible institutions under part B of title III and subpart 4 of part A title VII of the HEA), Hispanic Serving Institutions (eligible institutions under section 502 of the HEA), Tribal Colleges and Universities (eligible institutions under section 316 of the HEA), or other Minority Serving Institutions (eligible institutions under title III and title V of the HEA) that include one year of high-quality clinical experiences (prior to becoming the teacher of record) in high-need schools as may be defined in the program's authorizing statute or regulations) and that incorporate best practices for attracting, supporting, graduating, and placing underrepresented teacher candidates.

(d) Reforms to teacher preparation programs to improve the diversity of teacher candidates, including changes to ensure underrepresented teacher candidates are fully represented in program admission, completion, placement, and retention as educators.

(e) Educator candidate support and preparation strategies and practices focused on underrepresented teacher candidates, and which may include ''grow your own programs,'' which typically recruit middle or high school students, paraprofessionals, or other school staff and provide them with clear pathways and intensive support to enter into the teaching profession.

(f) Professional growth and leadership opportunities for diverse educators, including opportunities to influence school, district, or State policies and practices in order to improve educator diversity.

(g) High-quality professional development on addressing bias in instructional practice and fostering an inclusive, equitable, and supportive workplace and school climate for educators.

(h) Data systems and reporting structures to provide accurate, public, and timely data about the racial and other demographics of the educator workforce that can be used to support efforts to diversify the workforce and to measure progress toward teacher and school leader diversity at the State, district, or school level.

*Types of Priorities:*

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

*Absolute priority:* Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

*Competitive preference priority:* Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

*Invitational priority:* Under an invitational priority we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

*Final Priorities:*

We will announce the final priorities in a document published in the **Federal Register**. We will determine the final priorities after considering responses to the proposed priorities and other information available to the Department. This document does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

**Note:** This document does *not* solicit applications. In any year in which we choose to use the priorities, we invite applications through a notice inviting applications in the **Federal Register**.

## Executive Orders 12866 and 13563

### *Regulatory Impact Analysis*

Under Executive Order 12866, it must be determined whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

[8] Ferguson, Ronald. ''Teachers' Perceptions and Expectations and the Black-White Test Score Gap.'' Urban Education, 38, (2003) 460–507.

[9] Boser, Ulrich. ''Teacher Diversity Revisited: A New State-by-State Analysis,'' Center for American Progress (2014).

[10] Hussar, William, and Tabitha Bailey. Projections of Education Statistics to 2028 (NCES 2020–024). U.S. Department of Education, National Center for Education Statistics. Washington, DC: Author (2020).

[11] Padamsee, Xiomara, and Becky Crowe. ''Unrealized Impact: The Case for Diversity, Equity, and Inclusion,'' Oakland, CA: Promise54, July 2017.

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing the proposed priorities only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on an analysis of anticipated costs and benefits, we believe that the proposed priorities are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with the Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

*Potential Costs and Benefits*

The Department believes that this proposed regulatory action would not impose significant costs on eligible entities, whose participation in our programs is voluntary, and costs can generally be covered with grant funds. As a result, the proposed priorities would not impose any particular burden except when an entity voluntarily elects to apply for a grant. The proposed priorities would help ensure that the Department's Effective Educator Development programs select high-quality applicants to implement activities that meet the goals of the respective programs. We believe these benefits would outweigh any associated costs.

*Clarity of the Regulations*

Executive Order 12866 and the Presidential memorandum ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make the proposed priorities easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections?
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make the proposed priorities easier to understand, see the instructions in the **ADDRESSES** section.

*Intergovernmental Review:* These programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

*Regulatory Flexibility Act Certification*

The Secretary certifies that this proposed regulatory action would not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The small entities that this proposed regulatory action would affect are school districts, nonprofit organizations, and for-profit organizations. Of the impacts we estimate accruing to grantees or eligible entities, all are voluntary and related mostly to an increase in the number of applications prepared and submitted annually for competitive grant competitions. Therefore, we do not believe that the proposed priorities would significantly impact small entities beyond the potential for increasing the likelihood of their applying for, and receiving, competitive grants from the Department.

*Paperwork Reduction Act*

The proposed priorities contain information collection requirements that are approved by OMB under OMB control number 1894–0006; the proposed priorities do not affect the currently approved data collection.

*Accessible Format:* On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Ruth Ryder,**

*Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education.*

[FR Doc. 2021–08193 Filed 4–19–21; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Parts 223

**[Docket No. 210414–0079]**

**RIN 0648–BK49**

## Potential New Turtle Exclusion Device Requirements for Skimmer Trawl Vessels Less Than 40 Feet (12.2 Meters) in Length

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

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** NMFS hereby publishes an advance notice of proposed rulemaking to solicit comments on the possibility of modifying the turtle excluder device (TED) related requirements for skimmer trawl vessels less than 40 feet (12.2 meters) in length operating in the southeast U.S. shrimp fisheries. NMFS is requesting comments on this possible action.

**DATES:** Information related to this document must be received by close of business on May 20, 2021.

**ADDRESSES:** You may submit comments via the Federal e-rulemaking Portal at *www.regulations.gov* identified by docket number 210414–0079, or by mail to Michael Barnette, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or other sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Michael Barnette, 727–551–5794, *michael.barnette@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background

Under the Endangered Species Act (ESA) and its implementing regulations, taking (*e.g.,* harassing, injuring or killing) sea turtles is prohibited, except as identified in 50 CFR 223.206, in compliance with the terms and conditions of a biological opinion issued under section 7 of the ESA, or in accordance with an incidental take permit issued under section 10 of the ESA. Incidental takes of threatened and endangered sea turtles during shrimp trawling are exempt from the taking prohibition of section 9 of the ESA so long as the conservation measures specified in the sea turtle conservation regulations (50 CFR 223.206; 50 CFR 224.104) are followed.

On December 16, 2016 (81 FR 91097), NMFS published a proposed rule that would withdraw the tow time restriction and require TEDs designed to exclude small sea turtles in all skimmer trawls, pusher-head trawls, and wing nets (butterfly trawls) rigged for fishing, with the exception of vessels participating in the Biscayne Bay wing net fishery prosecuted in Miami-Dade County, Florida. NMFS ultimately published a final rule on December 20, 2019 (84 FR 70048), requiring skimmer trawl vessels 40 feet (12.2 meters) and greater in length to use TEDs designed to exclude small sea turtles in their nets effective on April 1, 2021. On March 31, 2021 (86 FR 16676), NMFS delayed the effective date of this final rule until August 1, 2021, due to safety and travel restrictions related to the COVID–19 pandemic that prevented necessary training and outreach for fishers. The changes between the proposed and final rules were due to potential economic impacts of the proposed rule, performance and safety issues with TED use on smaller vessels, and lack of testing data with gear types other than skimmer trawls. Analyses for all considered alternatives were included in a final environmental impact statement (FEIS), the notice of availability of which was published on November 15, 2019 (EIS No. 20190270; 84 FR 62530; 11/15/2019).

NMFS has conducted additional testing that has produced TED designs that are effective on skimmer trawl vessels less than 40 feet (12.2 meters) in length. Therefore, NMFS is soliciting public comment on the potential expansion of TED requirements for skimmer trawl vessels less than 40 feet (12.2 meters) in length. NMFS is seeking input from the public on the feasibility of employing these TEDs on smaller length vessels, input on the associated costs of any new TED requirements, and other potential environmental impacts.

### Request for Comments

NMFS requests comments on potential impacts from a potential expansion of TED requirements to other skimmer trawl vessels, as well as other initiatives to reduce fishery bycatch of threatened and endangered sea turtles in the southeast U.S. shrimp fisheries.

**Authority:** 16 U.S.C. 1531–1543.

Dated: April 15, 2021.

**Samuel D. Rauch, III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. 2021–08108 Filed 4–19–21; 8:45 am]

**BILLING CODE 3510–22–P**

# Notices

Federal Register

Vol. 86, No. 74

Tuesday, April 20, 2021

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

**[Document No. AMS–AMS–21–0037]**

### 2021/2022 Rates Charged for AMS Services

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service (AMS) is announcing the 2021/2022 rates it will charge for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, rice, and cotton and tobacco. The 2021/2022 regular, overtime, holiday, and laboratory services rates will be applied at the beginning of the crop year, fiscal year or as required by law depending on the commodity. Other starting dates are added to this notice based on cotton industry practices. This action establishes the rates for user-funded programs based on costs incurred by AMS. This year, nearly two-thirds of AMS user fee rates will remain unchanged from the previous year and a few will decrease, but increases are necessary to many fees to cover costs.

**DATES:** April 21, 2021.

**FOR FURTHER INFORMATION CONTACT:** Charles Parrott, AMS, USDA, Room 2063A–S, 1400 Independence Ave. SW, Washington, DC 20250; telephone (202) 260–9144, fax (202) 692–0313, or email *charles.parrott@usda.gov.*

**SUPPLEMENTARY INFORMATION:** The Agricultural Marketing Act of 1946, as amended (AMA)(7 U.S.C. 1621–1627), provides for the collection of fees to cover costs of various inspection, grading, certification, or auditing services covering many agricultural commodities and products. The AMA also provides for the recovery of costs incurred in providing laboratory services. The Cotton Statistics and Estimates Act (7 U.S.C. 471–476) and the U.S. Cotton Standards Act (7 U.S.C. 51–65) provide for classification of cotton and development of cotton standards materials necessary for cotton classification. The Cotton Futures Act (7 U.S.C. 15b) provides for futures certification services, and the Tobacco Inspection Act (7 U.S.C. 511–511s) provides for tobacco inspection and grading. These Acts also provide for the recovery of costs associated with these services.

On November 13, 2014, the U.S. Department of Agriculture (Department) published in the **Federal Register** a final rule that established standardized formulas for calculating the fees charged by AMS user-funded programs (79 FR 67313). Every year since then, the Department has published in the **Federal Register** a notice announcing the rates for its user–funded programs.

This notice announces the 2021/2022 fee rates for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, rice, and cotton and tobacco on a per-hour rate and, in some instances, the equivalent per-unit cost. The per-unit cost is provided to facilitate understanding of the costs associated with the service to the industries that historically used unit-cost basis for payment. The fee rates will be effective at the beginning of the fiscal year, crop year, or as required by specific laws.

The rates reflect direct and indirect costs of providing services. Direct costs include the cost of salaries, employee benefits, and, if applicable, travel and some operating costs. Indirect or overhead costs include the cost of Program and Agency activities supporting the services provided to the industry. The formula used to calculate these rates also includes operating reserve, which may add to or draw upon the existing operating reserves.

These services include the grading, inspection or certification of quality factors in accordance with established U.S. Grade Standards or other specifications; audits or accreditation according to International Organization for Standardization (ISO) standards and/or Hazard Analysis and Critical Control Point (HACCP) principles; and other marketing claims. The quality grades serve as a basis for market prices and reflect the value of agricultural commodities to both producers and consumers. AMS' grading and certification, audit and accreditation, plant process and equipment verification, and laboratory approval services are voluntary tools paid for by the users on a fee-for-service basis. The agriculture industry can use these tools to promote and communicate the quality of agricultural commodities to consumers. Laboratory services are provided for analytic testing, including but not limited to chemical, microbiological, biomolecular, and physical analyses. AMS is required by statute to recover the costs associated with these services.

As required by the Cotton Statistics and Estimates Act (7 U.S.C. 471–476), consultations regarding the establishment of the fee for cotton classification with U.S. cotton industry representatives are held in the beginning of the year when most industry stakeholder meetings take place. Representatives of all segments of the cotton industry, including producers, ginners, bale storage facility operators, merchants, cooperatives, and textile manufacturers were informed of the fees during various industry-sponsored forums.

#### Rates Calculations

AMS calculated the rate for services, per hour per program employee, using the following formulas (a per-unit base is included for programs that charge for services on a per-unit basis):

(1) *Regular rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours for the previous year, which is then multiplied by the next year's percentage of cost of living increase, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, travel expenses may also be added to the cost of providing the service.

(2) *Overtime rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 1.5, plus the benefits rate,

plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

(3) *Holiday rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 2, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

All rates are per-hour except when a per-unit cost is noted. The specific amounts in each rate calculation are available upon request from the specific AMS program.

2021/2022 RATES

| | Regular | Overtime | Holiday | Includes travel costs in rate | Start date |
|---|---|---|---|---|---|
| **Cotton Fees** | | | | | |
| **7 CFR Part 27—Cotton Classification Under Cotton Futures Legislation**<br>Subpart A—Regulations;<br>§§ 27.80–27.90 Costs of Classifications and Micronaire | | | | | |
| Cotton Standardization | | | | | |
| Certification for Futures Contract (Grading services for samples submitted by CCC-licensed samplers). | $4.25/bale | | | X | August 1, 2021. |
| Transfer of Certification Data to New Owner or Certified Warehouse (Electronic transfer performed). | $0.20/bale or $5.00 per page minimum | | | X | August 1, 2021. |
| **7 CFR Part 28—Cotton Classing, Testing, and Standards**<br>Subpart A—Regulations Under the United States Cotton Standards Act;<br>§§ 28.115–28.126 Fees and Costs<br>Subpart D—Cotton Classification and Market News Service for Producers;<br>§ 28.909 Costs; § 28.910 Classification of Samples and Issuance of Classification Data; § 28.911 Review Classification | | | | | |
| Cotton Grading | | | | | |
| Form 1: Grading Services for Producers (submitted by licensed sampler). | $2.30/bale | | | X | July 1, 2021. |
| Form 1 Review (new sample submitted by licensed sampler). | $2.30/bale | | | X | July 1, 2021. |
| Form A Determinations (sample submitted by licensed warehouse). | $2.30/bale | | | X | July 1, 2021. |
| Form C Determinations (sample submitted by non-licensed entity; bale sampled under USDA supervision). | $2.30/bale | | | ..... | July 1, 2021. |
| Form D Determination (sample submitted by owner or agent; classification represents sample only). | $2.30/bale | | | X | July 1, 2021. |
| Foreign Growth Classification (sample of foreign growth cotton submitted by owner or agent; classification represents sample only). | $6.00/sample | | | X | August 1, 2021. |
| Arbitration (comparison of a sample to the official standards or a sample type). | $6.00/sample | | | X | August 1, 2021. |
| Practical Cotton Classing Exam (for non-USDA employees). | Exam: $150/applicant, Reexamination: $130/applicant | | | X | July 1, 2021. |
| Special Sample Handling (return of samples per request). | $0.50/sample | | | X | July 1, 2021. |
| Electronic Copy of Classification Record ..... | $0.05/bale ($5.00/month minimum with any records received) | | | X | July 1, 2021. |
| Form A Rewrite (reissuance of Form 1, Form A, or Futures Certification data or combination). | $0.15/bale or $5.00/page minimum | | | X | August 1, 2021. |
| Form R (reissuance of Form 1 classification only) ..... | $0.15/bale or $5.00/page minimum | | | X | July 1, 2021. |
| International Instrument Level Assessment ..... | $4.00/sample | | | X | July 1, 2021. |
| **Dairy Fees** | | | | | |
| **7 CFR Part 58—Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products**<br>Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products; | | | | | |

2021/2022 RATES—Continued

| | Regular | Overtime | Holiday | Includes travel costs in rate | Start date |
|---|---|---|---|---|---|
| §§ 58.38–58.46 Fees and Charges | | | | | |
| Continuous Resident Grading Service | $80.00 | $96.49 | $112.97 | X | Oct 1, 2021. |
| Non-resident and Intermittent Grading Service; State Graders. | 90.00 | 107.89 | 125.78 | X | Oct 1, 2021. |
| Non-resident Services 6 p.m.–6 a.m. (10 percent night differential). | 99.00 | 118.68 | 138.36 | X | Oct 1, 2021. |
| Export Certificate Services (per certificate) | 85.00 | N/A | N/A | | Oct 1, 2021. |
| Equipment Review [1] | 100.00 | 121.25 | 142.49 | | Oct 1, 2021. |
| Audit Services | 103.00 | 119.00 | N/A | X | Oct 1, 2021. |
| Special Handling | 41.00 | N/A | N/A | | Oct 1, 2021. |
| Fax/PDF Charge (per copy) | 4.00 | N/A | N/A | | Oct 1, 2021. |
| Derogation Application (per application) | 123.00 | N/A | N/A | | Oct 1, 2021. |
| **Specialty Crops Fees** | | | | | |
| **7 CFR Part 51—Fresh Fruits, Vegetables and Other Products (Inspection, Certification, and Standards)**<br>Subpart A—Regulations;<br>§§ 51.37–51.44 Schedule of Fees and Charges at Destination Markets<br>§ 51.45 Schedule of Fees and Charges at Shipping Point Areas | | | | | |
| Quality and Condition Inspections for Whole Lots | $210.00 per lot | | | | Oct 1, 2021. |
| Quality and Condition Half Lot or Condition-Only Inspections for Whole Lots. | $174.00 per lot | | | | Oct 1, 2021. |
| Condition—Half Lot | $161.00 per lot | | | | Oct 1, 2021. |
| Quality and Condition or Condition-Only Inspections for Additional Lots of the Same Product. | $96.00 per lot | | | | Oct 1, 2021. |
| Dockside Inspections—Each package weighing <30 lbs. | $0.044 per pkg. | | | | Oct 1, 2021. |
| Dockside Inspections—Each package weighing >30 lbs. | $0.068 per pkg. | | | | Oct 1, 2021. |
| Charge per Individual Product for Dockside Inspection | $210.00 per lot | | | | Oct 1, 2021. |
| Charge per Each Additional Lot of the Same Product | $96.00 per lot | | | | Oct 1, 2021. |
| Inspections for All Hourly Work | $93.00 | $122.00 | $147.00 | | Oct 1, 2021. |
| Audit Services—Federal | $115.00 | | | | Oct 1, 2021. |
| Audit Services—State | $115.00 | | | | Oct 1, 2021. |
| GFSI Certification Fee [2] | $250 per audit | | | | Oct 1, 2021. |
| **7 CFR Part 52—Processed Fruits and Vegetables, Processed Products Thereof, and Other Processed Food Products**<br>Subpart—Regulations Governing Inspection and Certification;<br>§§ 52.41–52.51 Fees and Charges | | | | | |
| Lot Inspections | $75.00 | $100.00 | $124.00 | | Oct 1, 2021. |
| In-plant Inspections Under Annual Contract (year-round) | 75.00 | 100.00 | 124.00 | | Oct 1, 2021. |
| Additional Graders (in-plant) or Less Than Year-Round | 85.00 | 112.00 | 138.00 | | Oct 1, 2021. |
| Audit Services—Federal | $115.00 | | | | Oct 1, 2021. |
| Audit Services—State | $115.00 | | | | Oct 1, 2021. |
| GFSI Certification Fee [2] | $250 per audit | | | | Oct 1, 2021. |
| **Meat Fees** | | | | | |
| **7 CFR Part 54—Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards)**<br>Subpart A—Regulations;<br>§§ 54.27–54.28 Charges for Service | | | | | |
| Scheduled Grading | $86.00 | $105.00 | $123.00 | X | Oct 1, 2021. |
| Unscheduled Grading | 114.00 | 132.00 | 154.00 | | Oct 1, 2021. |
| Scheduled Night Differential (6 p.m.–6 a.m.) | 95.00 | 115.00 | 123.00 | X | Oct 1, 2021. |
| **7 CFR Part 62—Livestock, Meat and Other Agricultural Commodities (Quality Systems Verification Programs)**<br>Subpart A—Quality Systems Verification Definitions | | | | | |

2021/2022 RATES—Continued

| | Regular | Overtime | Holiday | Includes travel costs in rate | Start date |
|---|---|---|---|---|---|
| § 62.300 Fees and Other Costs for Service | | | | | |
| Auditing Activities | $150.00 | $222.00 | $231.00 | | Oct 1, 2021. |
| **Poultry Fees** | | | | | |
| **7 CFR Part 56—Voluntary Grading of Shell Eggs**<br>Subpart A—Grading of Shell Eggs;<br>§§ 56.45–56.54 Fees and Charges<br>**7 CFR Part 70—Voluntary Grading of Poultry and Rabbit Products**<br>Subpart A—Grading of Poultry and Rabbit Products;<br>§§ 70.70–70.78 Fees and Charges | | | | | |
| Scheduled Grading | $63.00 | $82.00 | $99.00 | X | Oct 1, 2021. |
| Scheduled, Night Differential (6 p.m.–6 a.m.) | 69.00 | 91.00 | 99.00 | X | Oct 1, 2021. |
| Scheduled, Sunday Differential | 81.00 | 105.00 | N/A | X | Oct 1, 2021. |
| Scheduled, Sunday and Night Differential | 90.00 | 116.00 | N/A | X | Oct 1, 2021. |
| Unscheduled Grading | 99.00 | 122.00 | 147.00 | | Oct 1, 2021. |
| Audit Service | 150.00 | 222.00 | 231.00 | | Oct 1, 2021. |
| **Science and Technology Fees** | | | | | |
| **7 CFR Part 91—Services and General Information (Science and Technology)**<br>Subpart I—Fees and Charges;<br>§§ 91.37–91.45 | | | | | |
| Laboratory Testing Services | $98.00 | $116.00 | $133.00 | | Oct 1, 2021. |
| Laboratory Approval Services [1] | 188.00 | 212.00 | 237.00 | X | Jan 1, 2022. |
| **7 CFR Part 75—Regulations for Inspection and Certification of Quality of Agricultural and Vegetable Seeds**<br>§ 75.41 General | | | | | |
| Laboratory Testing | $58.00 | $86.00 | $115.00 | X | Oct 1, 2021. |
| Administrative Fee | $14.50 per certificate | | | | Oct 1, 2021. |
| Auditing Services | $115.00 | | | | Oct 1, 2021. |
| **Tobacco Fees** | | | | | |
| **7 CFR Part 29—Tobacco Inspection**<br>Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets;<br>Subpart B—Regulations;<br>§§ 29.123–29.129 Fees and Charges; § 29.500 Fees and charges for inspection and acceptance of imported tobacco<br>Subpart F—Policy Statement and Regulations Governing the Identification and Certification of Non-quota Tobacco Produced and Marketed in Quota Area;<br>§ 29.9251 Fees and Charges | | | | | |
| Domestic Permissive Inspection and Certification (re-grading of domestic tobacco for processing plants, re-testing of imported tobacco, and grading tobacco for research stations). | $55.00 | $64.00 | $72.00 | | July 1, 2021. |
| Export Permissive Inspection and Certification (grading of domestic tobacco for manufacturers and dealers for duty drawback consideration). | $0.0025/pound | | | X | July 1, 2021. |
| Grading for Risk Management Agency (for Tobacco Crop Insurance Quality Adjustment determinations). | $0.0765/pound | | | X | July 1, 2021. |
| Pesticide Test Sampling (collection of certified tobacco sample and shipment to AMS National Science Laboratory for testing). | $0.0065/kg or $0.0029/pound | | | X | July 1, 2021. |
| Pesticide Retest Sampling (collection of certified tobacco sample from a previously sampled lot for re-testing at the AMS National Science Laboratory; fee includes shipping). | $115.00/sample and $55.00/hour | | | X | July 1, 2021. |

2021/2022 RATES—Continued

| | Regular | Overtime | Holiday | Includes travel costs in rate | Start date |
|---|---|---|---|---|---|
| Standards Course (training by USDA-certified instructor on tobacco grading procedures). | $1,250.00/person | | | ..... | July 1, 2021. |
| Import Inspection and Certification (grading of imported tobacco for manufacturers and dealers). | $0.0475/kg or $0.0215/pound | | | X | July 1, 2021. |
| **Rice Fees** | | | | | |
| **7 CFR Part 868—General Regulations and Standards for Certain Agricultural Commodities**<br>Subpart A—Regulations;<br>§§ 868.91 Fees for certain Federal rice inspection services | | | | | |
| Contract (per hour per Service representative) [3] ..... | $41.50 | $51.90 | $62.30 | ..... | Oct 1, 2021. |
| Noncontract (per hour per Service representative) [3] ..... | 51.90 | 64.90 | 77.90 | ..... | Oct 1, 2021. |
| Export Port Services (per hundredweight) [4] ..... | $0.047/CWT | | | ..... | Oct 1, 2021. |
| Inspection for quality (per lot, sublot, or sample inspection): | | | | | |
| Rough rice ..... | $35.70 | | | ..... | Oct 1, 2021. |
| Brown rice for processing ..... | $31.50 | | | ..... | Oct 1, 2021. |
| Milled rice ..... | $24.20 | | | ..... | Oct 1, 2021. |
| Factor analysis for any single factor (per factor): | | | | | |
| Milling yield (per sample) (Rough or Brown rice) ..... | $27.10 | | | ..... | Oct 1, 2021. |
| All other factors (per factor) (all rice) ..... | $15.00 | | | ..... | Oct 1, 2021. |
| Total oil and free fatty acid ..... | $42.10 | | | ..... | Oct 1, 2021. |
| Faxed and extra copies of certificates (per copy) ..... | $1.90 | | | ..... | Oct 1, 2021. |
| Stowage examination (service-on-request): | | | | | |
| Ship ..... | $36.00 (per stowage space, minimum 5 spaces per ship) | | | ..... | Oct 1, 2021. |
| Subsequent ship examinations ..... | $36.00 (per stowage space, minimum 3 spaces per ship) | | | ..... | Oct 1, 2021. |
| Barge (per examination) ..... | $31.40 | | | ..... | Oct 1, 2021. |
| All other carriers (per examination) ..... | $11.70 | | | ..... | Oct 1, 2021. |

[1] Travel costs outside the United States will be added to the fee, if applicable.
[2] Global Food Safety Initiative (GFSI) Certification Fee—$250 per GFSI audit to recoup the costs associated with attaining technical equivalency to the GFSI benchmarking requirements.
[3] Original and appeal inspection services include: Sampling, grading, weighing, and other services requested by the applicant when performed at the applicant's facility.
[4] Services performed at export locations on lots at rest.

**Authority:** 7 U.S.C. 15b; 7 U.S.C. 473a–b; 7 U.S.C. 55 and 61; 7 U.S.C. 51–65; 7 U.S.C. 471–476; 7 U.S.C. 511, 511s; and 7 U.S.C. 1621–1627.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2021–08069 Filed 4–19–21; 8:45 am]

BILLING CODE P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

**[AMS–FGIS–21–0017]**

### United States Standards for Wheat

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice; request for information.

**SUMMARY:** The United States Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) is seeking comments from the public regarding the United States Standards for Wheat under the United States Grain Standards Act (USGSA). To ensure that standards and official grading practices remain relevant, AMS invites interested parties to comment on whether the current wheat standards and grading practices need to be changed.

**DATES:** We will consider comments we receive by July 19, 2021.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this notice. All comments must be submitted through the Federal e-rulemaking portal at *http://www.regulations.gov* and should

reference the document number and the date and page number of this issue of the **Federal Register**. Instructions for submitting and reading comments are detailed on the site. All comments submitted in response to this notice will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting comments will be made public on the internet at the address provided above.

**FOR FURTHER INFORMATION CONTACT:** Barry Gomoll, USDA, AMS; Telephone: (202) 720–8286; email: *Barry.L.Gomoll@usda.gov.*

**SUPPLEMENTARY INFORMATION:** Section 4 of the USGSA (7 U.S.C. 76(a)) grants the Secretary of Agriculture the authority to establish standards for wheat and other grains regarding kind, class, quality, and condition. The wheat standards, established by USDA on August 1, 1917, were last revised in 2013 (78 FR 27857) and appear in USGSA regulations at 7 CFR 810.2201–2205. The standards facilitate wheat marketing and define U.S. wheat quality in the domestic and global marketplace. The standards define commonly used industry terms; contain basic principles governing the application of standards, such as the type of sample used for a particular quality analysis; define the basis of determination for grading factors; and specify grades and grade requirements. Official procedures for determining grading factors are provided in the Grain Inspection Handbook, Book II, Chapter 13, ''Wheat.'' Together, the grading standards and official procedures allow buyers and sellers to communicate quality requirements, compare wheat quality using equivalent forms of measurement, and assist in price discovery.

FGIS grading and inspection services are provided through a network of Federal, State, and private laboratories that conduct tests to determine the quality and condition of wheat. These tests are conducted in accordance with applicable standards using approved methodologies and can be applied at any point in the marketing chain. Furthermore, the tests yield rapid, reliable, and consistent results. In addition, FGIS-issued certificates describing the quality and condition of graded wheat are accepted as *prima facie* evidence in all Federal courts. U.S. Standards for Wheat and the affiliated grading and testing services offered by FGIS verify that a seller's wheat meet specified requirements and ensure that customers receive the quality of wheat they purchased.

In order for U.S. standards and grading procedures for wheat to remain relevant, AMS is issuing this request for information to invite interested parties to submit comments, ideas, and suggestions on all aspects of the U.S. Standards for Wheat and official procedures.

**Authority:** 7 U.S.C. 71–87k.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2021–08062 Filed 4–19–21; 8:45 am]

BILLING CODE P

## DEPARTMENT OF AGRICULTURE

### National Agricultural Statistics Service

### Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

**AGENCY:** National Agricultural Statistics Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Mink Survey. The target population will be pulled from the NASS List Frame of operations with positive historical data. The frame is updated with the names of new operations that are found in trade magazines or grower's association's lists. The questionnaires that NASS is planning to use are the same as what was used in previous years. Any additional changes to the questionnaires would result from requests by industry data users.

**DATES:** Comments on this notice must be received by June 21, 2021 to be assured of consideration.

**ADDRESSES:** You may submit comments, identified by docket number 0535–0212, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *E-fax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

**FOR FURTHER INFORMATION CONTACT** Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202)720–2707. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202)690–2388 or at *ombofficer@nass.usda.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Mink Survey.

*OMB Control Number:* 0535–0212.

*Expiration Date of Approval:* December 31, 2021.

*Type of Request:* Intent to Seek Approval to Revise and Extend an Information Collection for 3 years.

*Abstract:* The primary objective of the National Agricultural Statistics Service is to prepare and issue State and national estimates of crop and livestock production, prices, and disposition. The Mink Survey collects data on the number of mink pelts produced, the number of females bred, the value of pelts produced, and the number of mink farms. Mink estimates are used by the federal government to calculate total value of sales and total cash receipts, by State governments to administer fur farm programs and health regulations, and by universities in research projects. The current expiration date for this docket is December 31, 2021.

States included in this survey are Idaho, Illinois, Iowa, Michigan, Minnesota, Montana, New Hampshire, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Dakota, Utah, Virginia, Washington, and Wisconsin. In the previous approval New Jersey was included, but they have been dropped from this renewal request and Virginia has been added to the target population. NASS intends to request that the Mink Survey be approved for another 3 years.

*Authority:* These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501, *et seq.*), and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance,

''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 10 minutes per response for the producers and approximately 30 minutes per response for the buyers. NASS plans to mail out publicity materials with the questionnaires to inform operators of the importance of these surveys. NASS will also use multiple mailings, followed up with phone and personal enumeration to increase response rates and to minimize data collection costs.

*Respondents:* Farmers and ranchers.

*Estimated Number of Respondents:* 250.

*Estimated Total Annual Burden on Respondents:* 75 hours.

*Comments:* Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) 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) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, through the use of appropriate automated, electronic, mechanical, technological, or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, April 15, 2021.

**Kevin L. Barnes,**

*Associate Administrator.*

[FR Doc. 2021–08114 Filed 4–19–21; 8:45 am]

**BILLING CODE 3410–20–P**

## CIVIL RIGHTS COMMISSION

### Notice of Public Meeting of the New Hampshire 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 briefing of the New Hampshire Advisory Committee to the Commission will convene by web conference on Monday, May 17, 2021 at 4:00–5:00 p.m. (ET). The purpose of the web conference is to announce the release of its report on solitary confinement in New Hampshire and share findings and recommendations from the report.

**DATES:** Monday, May 17, 2021 from 4:00–5:00 p.m. (ET).

*PUBLIC WEBEX CONFERENCE REGISTRATION LINK (video and audio): https://bit.ly/2Q72Req.*

*TO JOIN BY PHONE ONLY:* Dial 1–800–360–9505; Access code: 199 227 9165.

**FOR FURTHER INFORMATION CONTACT:** Mallory Trachtenberg at *mtrachtenberg@usccr.gov* or by phone at (202) 809–9618.

**SUPPLEMENTARY INFORMATION:** The meeting is available to the public through the web 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. Individuals may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with conference details found through registering at the web link above. To request additional accommodations, please email *mtrachtenberg@usccr.gov* at least 7 days prior to 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 meeting. Written comments may be emailed to Mallory Trachtenberg at *mtrachtenberg@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 *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: Monday, May 17, 2021; 4:00–5:00 p.m. (ET)**

1. Welcome and Roll call
2. Chair Remarks
3. Web Conference to Release Report on Solitary Confinement
   a. Overview of Report Findings and Recommendations
   b. Q&A from Attendees
4. Public Comment
5. Adjourn

Dated: April 15, 2021.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2021–08109 Filed 4–19–21; 8:45 am]

**BILLING CODE P**

## CIVIL RIGHTS COMMISSION

### Notice of Public Meeting of the Oregon Advisory Committee

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the Oregon Advisory Committee (Committee) will hold a meeting via web conference on Thursday, June 3, 2021, from 3:00 p.m. to 4:00 p.m. Pacific Time. The purpose of the meeting is for final review of report and vote.

**DATES:** The meeting will be held on Thursday, June 3, 2021 from 3:00 p.m. to 4:00 p.m. PT.

*WEBEX INFORMATION:* Register online *https://civilrights.webex.com/meet/afortes.*

*AUDIO:* (800) 360–9505.

**FOR FURTHER INFORMATION CONTACT:** Ana Victoria Fortes, Designated Federal Officer (DFO) at *afortes@usccr.gov* or by phone at (202) 681–0857.

**SUPPLEMENTARY INFORMATION:** 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 Office within 30 days following the meeting. Written comments may be

mailed to Ana Victoria Fortes at *afortes@usccr.gov* in the Regional Programs Unit Office/Advisory Committee Management Unit. Persons who desire additional information may contact the Regional Programs Unit Office (202) 681–0587.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://www.facadatabase.gov/FACA/apex/FACAPublicCommittee?id=a10t0000001gzlwAAA*. Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

**Agenda**

I. Welcome
II. Review Report
III. Public Comment
VI. Vote
V. Review Next Steps
VI. Adjournment

Dated: April 15, 2021.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2021–08104 Filed 4–19–21; 8:45 am]

BILLING CODE P

## CIVIL RIGHTS COMMISSION

### Notice of Public Meeting of the Oregon Advisory Committee

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the Oregon Advisory Committee (Committee) will hold a meeting via web conference on Tuesday, May 18, 2021, from 3:00 p.m. to 4:00 p.m. Pacific Time. The purpose of the meeting is to continue reviewing report findings and recommendations.

**DATES:** The meeting will be held on Tuesday, May 18, 2021 from 3:00 p.m. to 4:00 p.m. PT.

*WEBEX INFORMATION:* Register online *https://civilrights.webex.com/meet/afortes.*

*AUDIO*: (800) 360–9505.

**FOR FURTHER INFORMATION CONTACT:** Ana Victoria Fortes, Designated Federal Officer (DFO) at *afortes@usccr.gov* or by phone at (202) 681–0857.

**SUPPLEMENTARY INFORMATION:** 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 Office within 30 days following the meeting. Written comments may be mailed to Ana Victoria Fortes at *afortes@usccr.gov* in the Regional Programs Unit Office/Advisory Committee Management Unit. Persons who desire additional information may contact the Regional Programs Unit Office (202) 681–0587.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://www.facadatabase.gov/FACA/apex/FACAPublicCommittee?id=a10t0000001gzlwAAA*.

Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

**Agenda:**

I. Welcome
II. Review Report Findings and Recommendations
III. Public Comment
VI. Review Next Steps
V. Adjournment

Dated: April 15, 2021.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2021–08105 Filed 4–19–21; 8:45 am]

BILLING CODE P

## CIVIL RIGHTS COMMISSION

### Notice of Public Meeting of the Oregon Advisory Committee

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the Oregon Advisory Committee (Committee) will hold a meeting via web conference on Friday, April 30, 2021, from 2:00 p.m. to 3:00 p.m. Pacific Time. The purpose of the meeting is to continue reviewing report findings and recommendations.

**DATES:** The meeting will be held on Friday, April 30, 2021 from 2:00 p.m. to 3:00 p.m. PT.

*WEBEX INFORMATION:* Register online *https://civilrights.webex.com/meet/afortes*.

*AUDIO:* (800) 360–9505.

**FOR FURTHER INFORMATION CONTACT:** Ana Victoria Fortes, Designated Federal Officer (DFO) at *afortes@usccr.gov* or by phone at (202) 681–0857.

**SUPPLEMENTARY INFORMATION:** 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 Office within 30 days following the meeting. Written comments may be mailed to Ana Victoria Fortes at *afortes@usccr.gov* in the Regional Programs Unit Office/Advisory Committee Management Unit. Persons who desire additional information may contact the Regional Programs Unit Office (202) 681–0587.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://www.facadatabase.gov/FACA/apex/FACAPublicCommittee?id=a10t0000001gzlwAAA*.Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

**Agenda**

I. Welcome
II. Review Report Findings and Recommendations
III. Public Comment
VI. Review Next Steps
V. Adjournment

Dated: April 15, 2021.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2021–08106 Filed 4–19–21; 8:45 am]

BILLING CODE P

## DEPARTMENT OF COMMERCE

### Bureau of the Census

### 2020 Census Tribal Consultation; Virtual Public Meeting

**AGENCY:** Bureau of the Census, Department of Commerce.

**ACTION:** Notice of virtual public meeting.

**SUMMARY:** The Bureau of the Census (Census Bureau) will conduct a 2020 Census Disclosure Avoidance System (DAS) tribal consultation meeting on May 19, 2021, via a national webinar. The tribal consultation meeting reflects the Census Bureau's continuous commitment to strengthen government-to-government relationships with federally recognized tribes. The Census Bureau's procedures for outreach, notice, and consultation ensure involvement of tribes, to the extent practicable and permitted by law, before making decisions or implementing policies, rules, or programs that affect federally recognized tribal governments. These meetings are open to citizens of federally recognized tribes by invitation.

**DATES:** The Census Bureau will conduct the tribal consultation webinar on Wednesday, May 19, 2021, from 3:00 p.m. to 4:30 p.m. EDT. Any questions or topics to be considered in the tribal consultation meetings must be received in writing via email by Monday, May 17, 2021.

**ADDRESSES:** The Census Bureau tribal consultation webinar meeting will be held via the WebEx platform at the following presentation link: *https://uscensus.webex.com/uscensus/onstage/g.php?MTID=eb7bb8735ddcf8a4debfd568ee4591082.*

If the webinar requires a WebEx Event number, type: 199 367 3090. If the webinar requires a password, type: @Census1.

For audio, please call the following number: 1–888–972–4304 or 1–312–470–7164. When prompted, please use the following Participant Code: 4071470. For 1-way listen only computer audio, please click the Audio Broadcast button in WebEx. If it does not connect, please use the telephone audio option.

Please direct all written comments via email to Dee Alexander, Tribal Affairs Coordinator, U.S. Census Bureau, at *Dee.A.Alexander@census.gov* or *ocia.tao@census.gov.*

**FOR FURTHER INFORMATION CONTACT:** Dee Alexander, Tribal Affairs Coordinator, Office of Congressional and Intergovernmental Affairs, Intergovernmental Affairs Office, U.S. Census Bureau, Washington, DC 20233; telephone 301–763–9335; fax 301–763–3780; or email at *Dee.A.Alexander@census.gov* or *ocia.tao@census.gov.*

**SUPPLEMENTARY INFORMATION:** The Census Bureau is planning one national webinar on May 19, 2021 with federally recognized tribes, which will provide a forum for tribes to receive an update on the Privacy-Protected Microdata Files (PPMFs) and Detailed Summary Metrics, to be released by April 30, 2021. The Census Bureau would like to inform the tribes of these data and to provide an opportunity for tribal input to inform final decisions about the settings and parameters of the DAS for the production run of the Public Law 94–171 redistricting data product that will be made available at the June 2021 Data Stewardship Executive Policy Committee meeting.

In accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, issued November 6, 2000, the Census Bureau has adhered to its tribal consultation policy by seeking the input of tribal governments in the planning and implementation of the 2020 Census with the goal of ensuring the most accurate counts and data for the American Indian and Alaska Native population. In that regard, the Census Bureau will be seeking comments to the Upcoming Demonstration Product—PPMFs and Detailed Summary Metrics. As mentioned before, these data products will be released April 30, 2021. Tribes will have four weeks to analyze the data and provide input.

For more information, please see the following URL link: *https://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/2020-census-data-products.html.*

Ron S. Jarmin, Acting Director, Bureau of the Census, approved the publication of this Notice in the **Federal Register**.

Dated: April 14, 2021.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2021–08060 Filed 4–19–21; 8:45 am]

BILLING CODE 3510–07–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–580–876]**

### Welded Line Pipe From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2018–2019

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that neither of the mandatory respondents subject to this administrative review made sales of subject merchandise at less than normal value (NV). Interested parties are invited to comment on these preliminary results of review.

**DATES:** Applicable April 20, 2021.

**FOR FURTHER INFORMATION CONTACT:** David Goldberger or Joshua Tucker, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4136 or (202) 482–2044, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 6, 2020, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on welded line pipe from Korea.[1] The period of review

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 6896 (February 6, 2020).

is December 1, 2018, through November 30, 2019. On April 24 and July 21, 2020, Commerce tolled the deadlines for this administrative review by 50 days and 60 additional days, respectively.[2] In December 2020, we extended the preliminary results of this review to no later than April 19, 2021.[3] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[4]

## Scope of the Order

The merchandise subject to the order is welded line pipe.[5] The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 7305.11.1030, 7305.11.1060, 7305.11.5000, 7305.12.1030, 7305.12.1060, 7305.12.5000, 7305.19.1030, 7305.19.5000, 7306.19.1010, 7306.19.1050, 7306.19.5110, and 7306.19.5150. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description remains dispositive.

## Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* A list of the topics discussed in the Preliminary Decision Memorandum is attached as Appendix I to this notice.

## Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins for the period December 1, 2018, through November 30, 2019:

| Producer or exporter | Weighted-average dumping margin (percent) |
|---|---|
| NEXTEEL Co., Ltd | 0.00 |
| SeAH Steel Corporation | 0.00 |
| Companies Not Selected for Individual Review[6] | 0.00 |

## Review-Specific Average Rate for Companies Not Selected for Individual Review

The exporters or producers not selected for individual review are listed in Appendix II.

## Assessment Rates

Upon completion of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.

Pursuant to 19 CFR 351.212(b)(1), where NEXTEEL Co., Ltd. (NEXTEEL) reported the entered value of its U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. SeAH Steel Corporation (SeAH) did not report actual entered value for all of its U.S. sales; in such instances, we calculated importer-specific per-unit duty assessment rates by aggregating the total amount of antidumping duties calculated for the examined sales and dividing this amount by the total quantity of those sales. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies which were not selected for individual review, we will assign an assessment rate based on the weighted average of the cash deposit rates calculated for NEXTEEL and SeAH. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[7]

Commerce's ''automatic assessment'' practice will apply to entries of subject merchandise during the POR produced by NEXTEEL or SeAH 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.

Consistent with its recent notice,[8] 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 deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in

[2] *See* Memoranda, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020; and ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[3] *See* Memorandum, ''Welded Line Pipe from the Republic of Korea: Extension of Deadline for Preliminary Results of 2017–2018 Antidumping Duty Administrative Review,'' dated December 1, 2020.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2018–2019 Administrative Review of the Antidumping Duty Order on Welded Line Pipe from Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] For a complete description of the scope of the order, *see* Preliminary Decision Memorandum.

[6] Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually examined, excluding any margins that are zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.'' For these preliminary results, we have calculated weighted-average dumping margins for NEXTEEL and SeAH that are zero or *de minimis,* and we have not calculated any margins which are not zero, *de minimis,* or determined entirely on the basis of facts available. Accordingly, we have assigned to the companies not individually examined a margin of zero percent. The exporters/producers subject to this review, but not selected for individual review, are listed in Appendix II.

[7] *See* section 751(a)(2)(C) of the Act.

[8] *See Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings,* 86 FR 884 (January 15, 2021).

which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 4.38 percent, the all-others rate established in the LTFV investigation.[9] These deposit requirements, when imposed, shall remain in effect until further notice.

**Disclosure and Public Comment**

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[10] Interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.[11] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[12] Case and rebuttal briefs should be filed using ACCESS.[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS within 30 days after the date of publication of this notice.[14] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.[15]

**Final Results**

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication of these preliminary results in the **Federal Register**, unless otherwise extended.[16]

**Notification to Importers**

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 14, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

## Appendix I

**List of Topics Discussed in the Preliminary Decision Memorandum**

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Recommendation

## Appendix II

**Review-Specific Average Rate Applicable to Companies Not Selected for Individual Review**

1. AJU Besteel Co., Ltd.
2. Daewoo International Corporation
3. Dong Yang Steel Pipe
4. Dongbu Incheon Steel Co.
5. Dongbu Steel Co., Ltd.
6. Dongkuk Steel Mill
7. EEW Korea Co., Ltd.
8. HISTEEL Co., Ltd.
9. Husteel Co., Ltd.
10. Hyundai RB Co. Ltd.
11. Hyundai Steel Company/Hyundai HYSCO
12. Keonwoo Metals Co., Ltd.
13. Kolon Global Corp.
14. Korea Cast Iron Pipe Ind. Co., Ltd.
15. Kurvers Piping Italy S.R.L.
16. Miju Steel MFG Co., Ltd.
17. MSTEEL Co., Ltd.
18. Poongsan Valinox (Valtimet Division)
19. POSCO
20. POSCO Daewoo
21. R&R Trading Co. Ltd.
22. Sam Kang M&T Co., Ltd.
23. Sin Sung Metal Co., Ltd.
24. SK Networks
25. Soon-Hong Trading Company
26. Steel Flower Co., Ltd.
27. TGS Pipe
28. Tokyo Engineering Korea Ltd.

[FR Doc. 2021–08119 Filed 4–19–21; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See Welded Line Pipe from the Republic of Korea and the Republic of Turkey: Antidumping Duty Orders,* 80 FR 75056, 75057 (December 1, 2015).

[10] *See* 19 CFR 351.224(b).

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

[12] *See* 19 CFR 351.309(c)(2) and (d)(2).

[13] *See* 19 CFR 351.303.

[14] *See* 19 CFR 351.310(c).

[15] *See* 19 CFR 351.310(d).

[16] *See* section 751(a)(3)(A) of the Act.

## DEPARTMENT OF COMMERCE

### International Trade Administration

### United States Travel and Tourism Advisory Board: Meeting of the United States Travel and Tourism Advisory Board

**AGENCY:** International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of an open meeting.

**SUMMARY:** The United States Travel and Tourism Advisory Board (Board or TTAB) will hold a meeting on Friday, April 23, 2021. The Board advises the Secretary of Commerce (Secretary) on matters relating to the U.S. travel and tourism industry. The purpose of the meeting is for Board members to discuss and vote on recommendations for the Secretary on how to distribute the economic adjustment assistance funding appropriated in section 6001 of the American Rescue Plan Act of 2021 for ''assistance to States and communities that have suffered economic injury as a result of job and gross domestic product losses in the travel, tourism, or outdoor recreation sectors.'' The final agenda will be posted on the Department of Commerce website for the Board at *https://www.trade.gov/ttab-meetings* at least two days prior to the meeting.

**DATES:** Friday, April 23, 2021, 2:00 p.m.–3:00 p.m. EDT. The deadline for members of the public to register, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EDT on Wednesday, April 21, 2021.

**ADDRESSES:** The meeting will be held virtually. The access information will be provided by email to registrants.

Requests to register (including to speak or for auxiliary aids) and any written comments should be submitted by email to *TTAB@trade.gov.*

**FOR FURTHER INFORMATION CONTACT:** Jennifer Aguinaga, the United States Travel and Tourism Advisory Board, National Travel and Tourism Office, U.S. Department of Commerce;

telephone: 202–482–2404; email: *TTAB@trade.gov.*

**SUPPLEMENTARY INFORMATION:**

*Background:* The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry.

*Exceptional Circumstances:* Pursuant to 41 CFR 102–3.150(b), the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances of the American Rescue Plan Act of 2021, which contains $3 billion in funding for the Department of Commerce for economic adjustment assistance and requires that 25 percent of those funds be for ''assistance to States and communities that have suffered economic injury as a result of job and gross domestic product losses in the travel, tourism, or outdoor recreation sectors.'' To allocate the funds expeditiously and in a manner that would best achieve the goals of the Act, the Secretary of Commerce needs prompt advice from the Board on how these funds should be distributed.

*Public Participation:* The meeting will be open to the public and will be accessible to people with disabilities. Any member of the public requesting to join the meeting is asked to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted but may not be possible to fill. There will be fifteen (15) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for public comments may be limited to three (3) minutes per person. Members of the public wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name and address of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks by 5:00 p.m. EDT on Wednesday, April 21, 2021, for inclusion in the meeting records and for circulation to the members of the Board.

In addition, any member of the public may submit pertinent written comments concerning the Board's affairs at any time before or after the meeting. Comments may be submitted to Jennifer Aguinaga at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5:00 p.m. EDT on Wednesday, April 21, 2021, to ensure transmission to the Board prior to the meeting. Comments received after that date and time will be transmitted to the Board but may not be considered during the meeting. Copies of Board meeting minutes will be available within 90 days of the meeting.

**Jennifer Aguinaga,**

*Designated Federal Officer, United States Travel and Tourism Advisory Board.*

[FR Doc. 2021–08051 Filed 4–19–21; 8:45 am]

BILLING CODE 3510–DR–P

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### Notice of Intent To Prepare an Environmental Impact Statement for Department of the Air Force Infrastructure Upgrades at Andersen Air Force Base, Guam

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Notice of intent.

**SUMMARY:** The Department of the Air Force (DAF) and the U.S. Navy, acting as a Cooperating Agency, are issuing this Notice of Intent to prepare an Environmental Impact Statement (EIS) to assess the potential social, economic, and environmental impacts associated with proposed Infrastructure Upgrades at Andersen Air Force Base (AFB), Guam. The EIS will analyze the potential impacts of constructing proposed infrastructure upgrades at Andersen AFB and using this infrastructure consistent with existing installation operations once construction is completed.

**DATES:** A public scoping period of 30 days will take place starting from the date of this NOI publication in the **Federal Register**. Comments will be accepted at any time during the environmental impact analysis process; however, to ensure the DAF has sufficient time to consider public scoping comments during preparation of the Draft EIS, please submit comments within the 30-day scoping period. The Draft EIS is anticipated in late 2021 or early 2022. The Final EIS and a decision on the Proposed Action are expected in mid to late 2022.

**ADDRESSES:** For EIS inquires or requests for printed or digital copies of scoping materials please contact Mr. Michael Noah, phone: (830) 358–6798. The project website (*www.AAFBInfrastructureEIS.com*) provides additional information on the EIS and can be used to submit scoping comments. Scoping comments may also be submitted via email to *AAFBInfrastructure.EIS@us.af.mil,* or via postal mail to 36th Civil Engineer Squadron, ATTN: CEV (AAFB Infrastructure EIS), Unit 14007, APO, AP 96543–4007. Please submit inquiries or requests for printed or digital copies of the scoping materials via the email or postal address above. For printed material requests, the standard U.S. Postal Service shipping timeline will apply. Please consider the environment before requesting printed material.

**SUPPLEMENTARY INFORMATION:** The DAF intends to prepare an EIS which will evaluate the potential impacts associated with the proposed construction of infrastructure upgrades at Andersen AFB, Guam, and to then use this infrastructure consistent with existing installation operations once construction is completed. The purpose of this Proposed Action is to enhance Andersen AFB's capability to support permanent and rotational forces within the Indo-Pacific and strengthen the U.S.'s ability to respond regionally and worldwide, in alignment with evolving DAF and Department of Defense initiatives for the region. To enhance Andersen AFB's capability to support permanent and rotational forces, the Air Force needs to upgrade mission-related infrastructure. These upgrades include providing additional capability for parking, storing, maintaining, refueling, loading, and unloading aircraft at the airfield as well as for storing munitions. The DAF is the National Environmental Policy Act (NEPA) lead agency, and the U.S. Navy is a cooperating agency for this EIS process.

Under this proposal, the DAF is considering new infrastructure upgrades adjacent to the northwest corner of the airfield and within the munitions storage area at Andersen AFB. Construction would take place over approximately 7 years and would include airfield pavements, an aircraft hangar, maintenance and utilities buildings, fuel systems, fencing and utilities, roadways and parking, storm water management infrastructure, and earth covered magazines. Approximately 204 total acres would be disturbed during construction, which would be either developed sites or maintained vegetation once construction is complete. The infrastructure would accommodate aircraft types and flight operations that have been addressed under previously prepared National Environmental Policy Act documentation for Andersen AFB,

such as bombers, tankers, and fighters. The DAF considered other locations on Andersen AFB for construction of infrastructure upgrades; however, only the Proposed Action locations were determined to meet the criteria for the infrastructure upgrades. The No Action Alternative will be addressed in the EIS as well.

Additional review and consultation which will be incorporated into the preparation of the Draft EIS will include, but are not necessarily limited to, consultation under Section 7 of the Endangered Species Act and consultation under Section 106 of the National Historic Preservation Act. The DAF will conduct cultural and natural resources surveys in the areas proposed for upgrades and consult with appropriate resource agencies to determine the potential for significant impacts on those resources. During construction, the DAF anticipates an increased demand on the construction workforce and an increase in local spending. Currently, no other short- or long-term notable impacts are anticipated. Additional analysis will be provided in the Draft EIS.

*Scoping and Agency Coordination:* To effectively define the full range of issues to be evaluated in the EIS, the Air Force will determine the scope of the analysis by soliciting comments from interested local, territorial, and federal elected officials and agencies, as well as interested members of the public and others. Comments are requested on potential alternatives and impacts, and identification of any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment. Concurrent with the publication of this notice of intent, public scoping notices will be announced locally. In response to the coronavirus (COVID–19) pandemic in the United States and the Center for Disease Control's recommendations for social distancing and avoiding large public gatherings, the DAF will not hold in-person public scoping meetings. Public scoping will instead be accomplished remotely, in accordance with the 2020 version of 40 CFR1506.6, via the project website at *www.AAFBInfrastructureEIS.com.* The website provides posters, a presentation, an informational brochure, in English and Chamorro, other meeting materials, and the capability for the public to provide public scoping comments. Scoping materials are also available in print at the Nieves M. Flores Memorial Library (254 Martyr Street, Hagåtña, Guam).

**Adriane Paris,**

*Acting Air Force Federal Register Liaison Officer.*

[FR Doc. 2021–08054 Filed 4–19–21; 8:45 am]

**BILLING CODE 5001–10–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP21–722–000]**

### Hartree Partners, LP v. Northern Natural Gas Company; Notice of Complaint

Take notice that on April 7, 2021, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2020), Hartree Partners, LP (Complainant) filed a formal complaint against Northern Natural Gas Company (Respondent), alleging that the Respondent unlawfully seeks to recover an amount totaling $7,401,806.38 from the complainant for quantities that Northern allocated or curtailed during the extreme winter weather event in Texas and other parts of the south central United States in February 2021, all as more fully explained in its complaint.

The Complainant certify that copies of the complaint were served on the contacts listed for Respondent in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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

*Comment Date:* 5:00 p.m. Eastern Time on April 27, 2021.

Dated: April 14, 2021.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2021–08074 Filed 4–19–21; 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:* EC21–76–000.
*Applicants:* Caledonia Generating, LLC.
*Description:* Application for Authorization Under Section 203 of the Federal Power Act of Caledonia Generating, LLC.
*Filed Date:* 4/12/21.
*Accession Number:* 20210412–5888.
*Comments Due:* 5 p.m. ET 5/3/21.

*Docket Numbers:* EC21–77–000.
*Applicants:* FirstEnergy Corp.
*Description:* Application for Authorization Under Section 203 of the Federal Power Act of FirstEnergy Corp., on behalf of the FirstEnergy Utility Affiliates.
*Filed Date:* 4/13/21.
*Accession Number:* 20210413–5131.
*Comments Due:* 5 p.m. ET 5/4/21.

*Docket Numbers:* EC21–78–000.

*Applicants:* BPC US Wind Corporation, High Prairie Wind Farm II, LLC, Old Trail Wind Farm, LLC, Telocaset Wind Power Partners, LLC, ASHUSA Inc.

*Description:* Application for Authorization Under Section 203 of the Federal Power Act of BPC US Wind Corporation, et al.

*Filed Date:* 4/13/21.

*Accession Number:* 20210413–5157.

*Comments Due:* 5 p.m. ET 5/4/21.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG21–123–000.

*Applicants:* Clines Corners Wind Farm LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Clines Corners Wind Farm LLC.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5122.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* EG21–124–000.

*Applicants:* Duran Mesa LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Duran Mesa LLC.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5126.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* EG21–125–000.

*Applicants:* Red Cloud Wind LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Red Cloud Wind LLC.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5128.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* EG21–126–000.

*Applicants:* Tecolote Wind LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Tecolote Wind LLC.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5133.

*Comments Due:* 5 p.m. ET 5/5/21.

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

*Docket Numbers:* ER10–2881–035; ER10–2882–036; ER10–2883–034; ER10–2884–034; ER16–2509–005; ER17–2400–006; ER17–2401–006; ER17–2403–006; ER17–2404–006.

*Applicants:* Alabama Power Company, Mississippi Power Company, Georgia Power Company, Rutherford Farm, LLC, SP Butler Solar, LLC, SP Decatur Parkway Solar, LLC, SP Pawpaw Solar, LLC, SP Sandhills Solar, LLC.

*Description:* Supplement to June 30, 2020 Updated Market Power Analysis for the Southeast Region of Alabama Power Company, et al.

*Filed Date:* 4/13/21.

*Accession Number:* 20210413–5335.

*Comments Due:* 5 p.m. ET 5/4/21.

*Docket Numbers:* ER20–686–002.

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

*Description:* Compliance filing: Tri-State Order No. 864 Compliance Filing to be effective 2/25/2020.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5028.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* ER20–2040–001.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Compliance filing: Deficiency Response in ER20–2040—Prairie Wind Order No. 864 Compliance Filing to be effective N/A.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5044.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* ER20–2041–001.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Compliance filing: Deficiency Response in ER20–2041—KCPL Order No. 864 Compliance Filing to be effective N/A.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5039.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* ER20–2042–001.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Compliance filing: Deficiency Response in ER20–2042—KCPL–GMO Order No. 864 Compliance Filing to be effective N/A.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5042.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* ER20–2044–001.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Compliance filing: Deficiency Response in ER20–2044—Westar Energy Order No. 864 Compliance Filing to be effective N/A.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5043.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* ER21–461–002.

*Applicants:* El Paso Electric Company.

*Description:* Tariff Amendment: Service Agreement No. 346, EPE- La Mesa PV I LLC SGIA As Amended to be effective 4/9/2021.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5163.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* ER21–1674–000.

*Applicants:* TBE Montgomery, LLC.

*Description:* Petition for Limited Waiver, et. al. of TBE Montgomery, LLC.

*Filed Date:* 4/9/21.

*Accession Number:* 20210409–5383.

*Comments Due:* 5 p.m. ET 4/23/21.

*Docket Numbers:* ER21–1675–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2021–04–14_SA 3445 MEC-Plymouth Wind Energy 1st Rev GIA (J748) to be effective 3/26/2021.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5029.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* ER21–1676–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: Revisions to Add the Waiver of Base Plan Allocation Methodology to be effective 6/14/2021.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5040.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* ER21–1677–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original WMPA, Service Agreement No. 6002; Queue No. AD2–073 to be effective 3/15/2021.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5050.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* ER21–1678–000.

*Applicants:* Griffith Energy LLC.

*Description:* § 205(d) Rate Filing: Certificate of Concurrence for SRSG Participation Agreement to be effective 4/15/2021.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5071.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* ER21–1679–000.

*Applicants:* Midcontinent Independent System Operator, Inc., Ameren Transmission Company of Illinois.

*Description:* § 205(d) Rate Filing: 2021–04–14_SA 3649 ATXI-Northeast Missouri Wind E&P (J1025) to be effective 4/12/2021.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5084.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* ER21–1680–000.

*Applicants:* Virginia Electric and Power Company, PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Dominion submits Revisions to OATT, Att. H–16C re: OPEB to be effective 6/15/2021.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5136.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* ER21–1681–000.

*Applicants:* Duke Energy Carolinas, LLC.

*Description:* § 205(d) Rate Filing: DEC—NCEMC Metering Service Agreement SA—569 to be effective 6/1/2021.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5167.

*Comments Due:* 5 p.m. ET 5/5/21.

*Docket Numbers:* ER21–1682–000.

*Applicants:* Elora Solar, LLC.

*Description:* Baseline eTariff Filing: Elora Solar, LLC Application for MBR Authority to be effective 6/14/2021.

*Filed Date:* 4/14/21.

*Accession Number:* 20210414–5178.

*Comments Due:* 5 p.m. ET 5/5/21.

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: April 14, 2021.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2021–08076 Filed 4–19–21; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP15–17–000]**

### Sabal Trail Transmission, LLC; Notice of Request for Extension of Time

Take notice that on April 7, 2021, Sabal Trail Transmission, LLC (Sabal Trail) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until May 1, 2023, to install two compressor units needed to complete Phase III of its Sabal Trail Project, as authorized in the February 2, 2016 Order Issuing Certificates and Approving Abandonment (February 2 Order).[1] Ordering Paragraph (F)(1) of the February 2 Order, as amended, provides a deadline of May 1, 2021, for Sabal Trail to install these remaining two compressor units and make them available for service.[2]

Sabal Trail states that, due to unforeseen delays in reaching full commercialization of the project, additional time is now required in order to complete the construction of the authorized project facilities.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on the applicant's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10).[3]

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for Natural Gas Act facilities when such requests are contested before order issuance. For those extension requests that are contested,[4] the Commission will aim to issue an order acting on the request within 45 days.[5] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[6] The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.[7] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[8] The OEP Director, or his or her designee, will act on all of those extension requests that are uncontested.

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

The Commission strongly encourages electronic filings of comments in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* 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.

*Comment Date:* 5:00 p.m. Eastern Time on April 29, 2021.

Dated: April 14, 2021.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2021–08073 Filed 4–19–21; 8:45 am]

**BILLING CODE 6717–01–P**

[1] *Florida Southeast Connection, LLC, et al.,* 154 FERC ¶ 61,080 (2016) (February 2 Order), *order on reh'g, Florida Southeast Connection, LLC, et al.,* 156 FERC ¶ 61,160 (2016), *order on remand, Florida Southeast Connection, LLC, et al.,* 162 FERC ¶ 61,233 (2018).

[2] *Sabal Trail Transmission, LLC, Letter Order Granting Extension of Time,* Docket No. CP15–17–000 (Jan 31, 2018).

[3] Only motions to intervene from entities that were party to the underlying proceeding will be accepted. *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 39 (2020).

[4] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2019).

[5] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

[6] *Id.* at P 40.

[7] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

[8] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP15–16–000]**

### Transcontinental Gas Pipe Line Company, LLC; Notice of Request for Extension of Time

Take notice that on April 12, 2021, Transcontinental Gas Pipe Line Company, LLC, (Transco) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until May 1, 2023, to complete, in part, approximately thirteen miles of pipeline looping needed to complete Phase III of its Hillabee Expansion Project, as authorized in the February 2, 2016 Order Issuing Certificates and Approving Abandonment (February 2 Order).[1] Ordering Paragraph (F)(1) of the February 2 Order, as amended, provides a deadline of May 1, 2021, for Transco to construct the remaining facilities and place them into service.[2]

Transco states that, due to unforeseen delays caused by current economic conditions, additional time is now required in order to complete the construction of the authorized project facilities.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on the applicant's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10).[3]

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for Natural Gas Act facilities when such requests are contested before order issuance. For those extension requests that are contested,[4] the Commission will aim to issue an order acting on the request within 45 days.[5] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[6] The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.[7] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[8] The OEP Director, or his or her designee, will act on all of those extension requests that are uncontested.

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

The Commission strongly encourages electronic filings of comments in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* 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.

*Comment Date:* 5:00 p.m. Eastern Time on April 29, 2021.

Dated: April 14, 2021.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2021–08071 Filed 4–19–21; 8:45 am]

BILLING CODE 6717–01–P

[1] *Florida Southeast Connection, LLC, et al.,* 154 FERC ¶ 61,080 (2016) (February 2 Order), *order on reh'g, Florida Southeast Connection, LLC, et al.,* 156 FERC ¶ 61,160 (2016), *order on remand, Florida Southeast Connection, LLC, et al.,* 162 FERC ¶ 61,233 (2018).

[2] *Florida Southeast Connection, LLC, et al.,* 156 FERC ¶ 61,160, P 50.

[3] Only motions to intervene from entities that were party to the underlying proceeding will be accepted. *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 39 (2020).

[4] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2019).

[5] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

[6] *Id.* at P 40.

[7] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

[8] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

*Docket Numbers:* RP21–543–001.
*Applicants:* Northwest Pipeline LLC.
*Description:* Compliance filing Compliance Filing for Rate Schedule TPAL to be effective 4/1/2021.
*Filed Date:* 4/12/21.
*Accession Number:* 20210412–5557.
*Comments Due:* 5 p.m. ET 4/26/21.

*Docket Numbers:* RP21–734–000.
*Applicants:* Sea Robin Pipeline Company, LLC.
*Description:* § 4(d) Rate Filing: Revised Fuel Percentage to be effective 6/1/2021.
*Filed Date:* 4/12/21.
*Accession Number:* 20210412–5781.
*Comments Due:* 5 p.m. ET 4/26/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 14, 2021.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2021–08070 Filed 4–19–21; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP21–97–000]**

### Eastern Gas Transmission and Storage, Inc.; Notice of Application and Establishing Intervention Deadline

Take notice that on April 1, 2021, Eastern Gas Transmission and Storage, Inc. (EGTS), 6603 West Broad Street Richmond, VA 23230, filed an application under section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization to install various air inlet chillers, electric seal gas heaters and gas coolers at the existing Chambersburg, Leesburg, and Quantico Compressor Stations in Franklin County, Pennsylvania and Loudoun and Fauquier Counties, Virginia, respectively. The proposed enhancements would increase the efficiency of EGTS's system to allow it to provide 25,000Dth/d of firm transportation capacity to one customer. The project is referred to as the Mid-Atlantic Cooler Project and is more fully set forth in the application which is on file with the Commission and open for 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 regarding the proposed project should be directed to Matthew R. Bley, Director, Gas Transmission Certificates, Eastern Gas Transmission and Storage, Inc., 6603 West Broad Street, Richmond, VA 23230, or by phone at (866) 319–3382, or by email at *Matthew.R.Bley@dominionenergy.com.*

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

#### Public Participation

There are two ways to become involved in the Commission's review of this project: you can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on May 5, 2021.

#### Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before May 5, 2021.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (CP21–97–000) in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. 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 ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address below.[2] Your written comments must reference the Project docket number (CP21–4–000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, 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. For instructions on how to intervene, see below.

#### Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[3] 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 December 8, 2020. As described further in Rule 214, your motion to intervene must state, to

[1] 18 CFR (Code of Federal Regulations) § 157.9.

[2] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[3] 18 CFR 385.102(d).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

the extent known, your position regarding the proceeding, as well as the your interest in the proceeding. [For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene.] For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number (CP21–4–000) in your submission.

(1) You may file your motion to intervene 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 ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below.[6] Your motion to intervene must reference the Project docket number (CP21–4–000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Motions to intervene must be served on the applicant either by mail or email at: 6603 West Broad Street, Richmond, VA 23230, or at *Matthew.R.Bley@dominionenergy.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. Service can be via email with a link to the document.

All timely, unopposed[7] motions to intervene are automatically granted by operation of Rule 214(c)(1).[8] 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.[9] 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.

**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.f*erc.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.*

*Intervention Deadline:* 5:00 p.m. Eastern Time on May 5, 2021.

Dated: April 14, 2021.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2021–08075 Filed 4–19–21; 8:45 am]

**BILLING CODE 6717–01–P**

[6] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[7] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[8] 18 CFR 385.214(c)(1).

[9] 18 CFR 385.214(b)(3) and (d).

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–10022–69–OP]**

## White House Environmental Justice Advisory Council; Notification of Virtual Public Meeting Series

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notification for a series of public meetings.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (FACA), the U.S. Environmental Protection Agency (EPA) hereby provides notice that the White House Environmental Justice Advisory Council (WHEJAC) will meet on the dates and times described below. Due to unforeseen administrative circumstances, EPA is announcing the April 28, 2021 meeting with less than 15 calendar days public notice. The May 13, 2021 meeting will meet the FACA guidance. These meetings are open to the public. Members of the public are encouraged to provide comments relevant to the specific issues being considered by the WHEJAC. For additional information about registering to attend the meetings or to provide public comment, please see ''REGISTRATION'' under **SUPPLEMENTARY INFORMATION**. Pre-registration is required.

**DATES:** The WHEJAC will hold a series of public virtual public meetings on Wednesday, April 28, 2021, and Thursday, May 13, 2021, from approximately 2:00 p.m.–6:00 p.m., Eastern Daylight Time. A public comment period relevant to the specific issues will be considered by the WHEJAC at each meeting (see **SUPPLEMENTARY INFORMATION**). Members of the public who wish to participate during the public comment period must pre-register by 11:59 p.m., Eastern Daylight Time, one (1) week prior to each meeting date.

**FOR FURTHER INFORMATION CONTACT:** Karen L. Martin, WHEJAC Designated Federal Officer, U.S. EPA; email: *whejac@epa.gov;* telephone: (202) 564–0203. Additional information about the WHEJAC is available at *https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council.*

**SUPPLEMENTARY INFORMATION:** The meeting discussion will focus on several topics including, but not limited to the discussion and deliberation of draft recommendations to the Chair of the Council on Environmental Quality and the White House Interagency Council on Environmental Justice from the Justice40 Work Group, Climate and Economic Justice Screening Tool Work Group and Executive Order 12898 Work Group.

The Charter of the WHEJAC states that the advisory committee will provide independent advice and recommendations to the Chair of the Council on Environmental Quality (CEQ) and to the White House

Interagency Council on Environmental Justice (Interagency Council). The WHEJAC will provide advice and recommendations about broad cross-cutting issues, related but not limited to, issues of environmental justice and pollution reduction, energy, climate change mitigation and resiliency, environmental health, and racial inequity. The WHEJAC's efforts will include a broad range of strategic, scientific, technological, regulatory, community engagement, and economic issues related to environmental justice.

Registration: Individual registration is required for each of the virtual public meetings. Information on how to register is located at *https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council.* Registration for the meetings is available through the scheduled end time of each meeting day. Registration to speak during the public comment period will close 11:59 p.m., Eastern Daylight Time, one (1) week prior to meeting date. When registering, please provide your name, organization, city and state, and email address for follow up. Please also indicate whether you would like to provide public comment during the meetings, and whether you are submitting written comments at the time of registration.

**A. Public Comment**

Every effort will be made to hear from as many registered public commenters during the time specified on the agenda. Individuals or groups making remarks during the public comment period will be limited to three (3) minutes. To accommodate the number of people who want to address the WHEJAC during the time allotted on the agenda, only one representative of a particular community, organization, or group will be allowed to speak. Submission of written comments for the record are strongly encouraged. The suggested format for individuals providing public comments is as follows: Name of speaker; name of organization/community; city and state; and email address; brief description of the concern, and what you want the WHEJAC to advise CEQ to do. Written comments received by registration deadline, will be included in the materials distributed to the WHEJAC prior to the meeting. Written comments received after that time will be provided to the WHEJAC as time allows. All written commenters should use the webform at *https://www.epa.gov/environmentaljustice/forms/white-house-environmental-justice-advisory-council-whejac-public-comment* to submit comments, and email any additional materials to *whejac@epa.gov.*

**B. Information About Services for Individuals With Disabilities or Requiring English Language Translation Assistance**

For information about access or services for individuals requiring assistance, please contact Karen L. Martin, via email at *whejac@epa.gov.* To request special accommodations for a disability or other assistance, please submit your request at least seven (7) working days prior to the meeting, to give EPA sufficient time to process your request. All requests should be sent to the email listed in the **FOR FURTHER INFORMATION CONTACT** section.

**Matthew Tejada,**

*Director for the Office of Environmental Justice.*

[FR Doc. 2021–08107 Filed 4–19–21; 8:45 am]

**BILLING CODE 6560–50–P**

## EXPORT-IMPORT BANK OF THE UNITED STATES

**[Public Notice: 2021–3002]**

### Agency Information Collection Activities: Comment Request

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Submission for OMB review and comments request.

**SUMMARY:** The Export-Import Bank of the United States (EXIM), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995.

**DATES:** Comments must be received on or before May 20, 2021 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on *WWW.REGULATIONS.GOV* (EIB 92–29) or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20038, Attn: OMB 3048–0017 The application tool can be reviewed at: *https://www.exim.gov/sites/default/files//forms/eib92-29.pdf.*

**SUPPLEMENTARY INFORMATION:** The Export-Import Bank of the United States, pursuant to the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635, et seq.), facilitates the finance of the export of U.S. goods and services. The ''Report of Premiums Payable for Exporters Only'' form will be used by exporters to report and pay premiums on insured shipments to various foreign buyers.

*Title and Form Number:* EIB 92–29 Export-Import Bank Report of Premiums Payable for Exporters Only.

*OMB Number:* 3048–0017.

*Type of Review:* Renewal.

*Need and Use:* The ''Report of Premiums Payable for Exporters Only'' form is used by exporters to report and pay premiums on insured shipments to various foreign buyers under the terms of the policy and to certify that premiums have been correctly computed and remitted. The 'Report of Premiums Payable for Exporters Only' is used by EXIM to determine the eligibility of the shipment(s) and to calculate the premium due to EXIM for its support of the shipment(s) under its insurance program.

*Affected Public:* This form affects entities involved in the export of U.S. goods and services.

*Monthly Number of Respondents:* 2,600.

*Estimated Time per Respondent:* 15 minutes.

*Annual Burden Hours:* 7,800 hours.

*Frequency of Reporting or Use:* Monthly.

*Government Expenses:*

*Reviewing Time per Year:* 7,800 hours.

*Average Wages per Hour:* $42.50.

*Average Cost per Year:* $331,500.

*Benefits and Overhead:* 20%.

*Total Government Cost:* $397,800.

**Bassam Doughman,**

*IT Specialist.*

[FR Doc. 2021–08028 Filed 4–19–21; 8:45 am]

**BILLING CODE 6690–01–P**

## EXPORT-IMPORT BANK

**[Public Notice: 2021–6004]**

### Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Submission for OMB review and comments request.

**SUMMARY:** The Export-Import Bank of the United States (EXIM), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the paperwork Reduction Act of 1995.

**DATES:** Comments must be received on or before June 21, 2021 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on *WWW.REGULATIONS.GOV.* (EIB 11–01) By email to Madolyn Phillips, *Madolyn.Phillips@exim.gov,* Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

Comments submitted in response to this notice may be made available to the public through the *WWW.REGULATIONS.GOV.* For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

**FOR FURTHER INFORMATION CONTACT:** To request additional information, please Madolyn Phillips, *Madolyn.Phillips@exim.gov,* 202–565–3701.

**SUPPLEMENTARY INFORMATION:** The Export-Import Bank of the United States, pursuant to the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635, *et seq.*), facilitates the finance of the export of U.S. goods and services. The ''Report of Premiums Payable for Exporters Only'' form will be used by exporters to report and pay premiums on insured shipments to various foreign buyers.

*Title and Form Number:* EIB 11–01, Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

*Abstract:* The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

*Current Actions:* Extension of approval for a collection of information.

*Type of Review:* Extension.

*Survey Type:* Web based/email based survey; Feedback/Comment Evaluation Form; Detailed Mail Evaluation Form; Telephone; Focus Group.

*Affected Public:* Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Below we provide projected average estimates for the next three years:

*Average Expected Annual Number of Activities:* 10.

*Average Number of Respondents per Activity:* 467.

*Annual Responses:* 4,670.

*Frequency of Response:* Once per request.

*Average Minutes per Response:* 8.

*Burden Hours:* 623.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments will be available for public inspection *Regulations.gov*.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

**Bassam Doughman,**

*IT Specialist.*

[FR Doc. 2021–08118 Filed 4–19–21; 8:45 am]

BILLING CODE 6690–01–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 May 4, 2021.

*A. Federal Reserve Bank of Minneapolis* (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Bruce Olsen and Bradley Bergdahl, both of Cando, North Dakota;* to retain voting shares of Cando Holding Company, Inc., and thereby indirectly retain voting shares of First State Bank of Cando, both of Cando, North Dakota, and for Mr. Bergdahl to remain a member of the Bergdahl family shareholder group, a group acting in concert.

Board of Governors of the Federal Reserve System, April 14, 2021.

**Michele Taylor Fennell,**

*Deputy Associate Secretary of the Board.*

[FR Doc. 2021–08026 Filed 4–19–21; 8:45 am]

BILLING CODE P

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### Notice of Board Meeting

**DATES:** April 27, 2021 at 10:00 a.m.

**ADDRESSES:** Telephonic. Dial-in (listen only) information: Number: 1–415–527–5035, Code: 199 778 0953; or via web: *https://tspmeet.webex.com/tspmeet/onstage/g.php?MTID=e970bcb3380007675a9722e504d95e5b9.*

**FOR FURTHER INFORMATION CONTACT:** Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

**SUPPLEMENTARY INFORMATION:**

**Board Meeting Agenda**

*Open Session*

1. Approval of the March 23, 2021 Board Meeting Minutes
2. Monthly Reports
   (a) Participant Activity Report
   (b) Legislative Report
3. Quarterly Reports
   (c) Investment Policy
   (d) Budget Review
   (e) Audit Status
4. Annual Financial Audit—Clifton Larsen Allen
5. Department of Labor Presentation
6. Multi-Asset Manager Update
7. Converge Update (formerly known as RKSA)

*Closed Session*

8. Information covered under 5 U.S.C. 552b(c)(9)(B).

**Authority:** 5 U.S.C. 552b(e)(1).

Dated: April 15, 2021.

**Dharmesh Vashee,**

*Acting General Counsel, Federal Retirement Thrift Investment Board.*

[FR Doc. 2021–08041 Filed 4–19–21; 8:45 am]

BILLING CODE P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Assisted Reproductive Technology (ART) Success Rates Reporting and Data Validation Procedures

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Final notice.

**SUMMARY:** The Centers for Disease Control and Prevention, within the Department of Health and Human Services, announces the changes in assisted reproductive technology (ART) data validation selection process; data validation approach; and data discrepancy reporting. The proposed changes to ART data validation were published in the **Federal Register** on October 20, 2020 (85 FR 66566); public comments and recommendations were requested, and no comments were received. This notice describes changes to the data validation process that will be implemented effective for calendar year 2022.

**FOR FURTHER INFORMATION CONTACT:** Jeani Chang, Division of Reproductive Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Highway NE, Mailstop S107–2, Atlanta, Georgia 30341–3724. Telephone: (770) 488–5200. Email: *ARTinfo@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** Pursuant to the Fertility Clinic Success Rate and Certification Act of 1992, 42 U.S.C. 263a–5, CDC publishes pregnancy success rates reported to the agency in accordance with section 263a–1(a)(1). The primary goal of public reporting of clinical outcomes of ART is to provide accurate data to current or potential ART users. Therefore, multiple mechanisms ensuring data accuracy are employed by CDC: Conducting data checks for logical errors and inconsistencies during data entry stage, verification of data accuracy by clinics' medical directors, additional data checks for logical errors and internal inconsistencies after submission. If any

errors or inconsistencies are identified during these stages, clinics are contacted and data are immediately corrected. In addition, CDC conducts annual site visits by selecting 7–10% of all reporting clinics and about 70–80 cycles per clinic for data validation. This data validation process involves comparing information of key variables from patient's medical record with the data submitted to the National ART Surveillance System (NASS), the CDC data reporting system for ART procedures, to calculate discrepancy rates for these variables. Data validation helps ensure that clinics submit accurate data and to identify any systematic problems that could cause data collection to be inconsistent or incomplete.

**Data Validation**

CDC is currently conducting data validation using stratified random sampling of reporting clinics to assess discrepancy rates for key variables that are generalizable for all reporting clinics as described in ''Reporting of Pregnancy Success Rates from Assisted Reproductive Technology (ART) Programs'' (80 FR 51811). Effective for calendar year 2022, CDC also will conduct targeted validation of clinics to better capture systematic reporting errors by assessing certain reporting characteristics that may predict erroneously inflated ART success rates (*e.g.* number of cancelled cycles, inability to confirm reported live births, etc.). Information gained from targeted validation will be used to identify and address systematic reporting errors, but will not be used in calculating discrepancy rates since it cannot be generalized to all reporting clinics.

If a clinic is selected to participate in the NASS data validation process (either through stratified random sampling or through targeted selection), participates in validation, and major data discrepancies are identified (*e.g.,* lack of supporting information for a significant proportion of reported pregnancy outcomes, inability to confirm a significant proportion of reported live births, underreporting a significant proportion of cycles, etc.), a message will be displayed in the ART Fertility Clinic Success Rates Report for the clinic as:

*CDC conducts data validation of a sample of reporting clinics to assess discrepancy rates for key variables, to identify any systematic problems, and to help ensure clinics submit accurate data. This clinic was visited for validation of (insert: Reporting year) data and major data discrepancies were identified. This clinic's reported success rates data are therefore not published in this report and not included in aggregate national data reports.*

CDC may re-select this ART program during the following reporting year(s) to assess corrections of identified data errors.

In addition, CDC will publish a statement in the annual ART Fertility Clinic Success Rates Report to identify clinics that are selected by CDC to participate in the NASS data validation but decline to participate.(See 80 FR 51811 for further information concerning external validation of clinic data). If a clinic is selected to participate in the NASS data validation process and declines to participate, the following message will be displayed in the ART Fertility Clinic Success Rates Report for the clinic as:

*CDC conducts data validation of a sample of reporting clinics to assess discrepancy rates for key variables, to identify any systematic problems, and to help ensure clinics submit accurate data. This clinic was selected for validation of (insert: Reporting year) data, but declined to participate. This clinic's reported data are therefore not published in this report and not included in aggregate national data reports.*

CDC may re-select this ART program during the following reporting year(s). Participation in data validation is integral to helping ensure the accuracy of the required pregnancy success rates reported to have been achieved by clinics. Therefore, displaying this message, as well as the other messages outlined herein, is important in providing the public with the most accurate information.

For consistency, for all other clinics that are selected to participate in the NASS data validation and do participate, the following footnote will be added:

*CDC conducts data validation of a sample of reporting clinics to assess discrepancy rates for key variables, to identify any systematic problems, and to help ensure clinics submit accurate data. This clinic was visited for validation of (insert: Reporting year) data and no systematic problems were identified.*

Any messages added to a clinic's success rates page in the ART Fertility Clinic Success Rates Report will appear only for the reporting year that the clinic was selected for validation. These enhanced processes and messages in the annual ART Fertility Clinic Success Rates Report will help to inform the public if there are issues with data quality, thereby increasing the transparency and help ensure the accuracy of the NASS data reporting.

Dated: April 15, 2021.

**Sandra Cashman,**

*Executive Secretary, Centers for Disease Control and Prevention.*

[FR Doc. 2021–08117 Filed 4–19–21; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[Docket No. CDC–2021–0044]**

### 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. The meeting will be webcast live via the World Wide Web.

**DATES:** The meeting will be held on April 23, 2021, from 11:00 a.m. to 5:00 p.m., EDT (dates and times subject to change, see the ACIP website for updates: *http://www.cdc.gov/vaccines/acip/index.html*). The public may submit comments from April 20, 2021 through April 23, 2021.

**ADDRESSES:** For more information on ACIP please visit the ACIP website: *http://www.cdc.gov/vaccines/acip/index.html.*

You may submit comments, identified by Docket No. CDC–2021–0044 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: April 23, 2021 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.*

**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:** In accordance with 41 CFR 102–3.150(b), less than 15 calendar days' notice is being given for this meeting due to the exceptional circumstances of the COVID–19 pandemic and rapidly evolving COVID–19 vaccine development and regulatory processes. The Secretary of Health and Human Services has determined that COVID–19 is a Public Health Emergency. A notice of this ACIP meeting has also been posted on CDC's ACIP website at: *http://www.cdc.gov/vaccines/acip/index.html.* In addition, CDC has sent notice of this ACIP meeting by email to those who subscribe to receive email updates about ACIP.

*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 Janssen (Johnson & Johnson) COVID–19 Vaccine Safety. A recommendation vote(s) is 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 April 23, 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 April 23, 2021 ACIP meeting must submit a request at *http://www.cdc.gov/vaccines/acip/meetings/* no later than 11:59 p.m., EDT, April 21, 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 12:00 p.m., EDT, April 22, 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. 2021–08275 Filed 4–16–21; 4:15 pm]

**BILLING CODE 4163–18–P**

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# DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Administration for Children and Families

## Proposed Information Collection Activity; Data Collection for the Engaging Fathers and Paternal Relatives: A Continuous Quality Improvement Approach in the Child Welfare System Project (New Collection)

**AGENCY:** Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

**ACTION:** Request for public comment.

**SUMMARY:** The Office of Planning, Research, and Evaluation (OPRE) within the Administration for Children and Families (ACF) is proposing to conduct data collection activities for the Engaging Fathers and Paternal Relatives: A Continuous Quality Improvement Approach in the Child Welfare System (Fathers and Continuous Learning in Child Welfare [FCL]) Project. This evaluation is a descriptive study of child welfare agencies' use of a continuous quality improvement process called the Breakthrough Series Collaborative (BSC) to implement strategies to improve father and paternal relative engagement in the child welfare system. The project is designed to examine the use of the BSC methodology to strengthen fathers' and paternal relatives' engagement with children involved in child welfare and to add to the evidence base on engagement strategies for fathers and paternal relatives in child welfare.

**DATES:** *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

**ADDRESSES:** Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *OPREinfocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and

Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written should be identified by the title of the information collection.

**SUPPLEMENTARY INFORMATION:**

*Description:* The FCL evaluation has three equally important aims. The first is to describe promising strategies for engaging fathers and paternal relatives in the child welfare system. The second is to assess the promise of the BSC as a continuous quality improvement framework for addressing challenges in the child welfare system, including whether and to what extent the BSC has potential, and if so, how it may be applied to other child welfare challenges. The third is to assess the extent to which agencies experienced a shift in organizational culture in terms of the importance of father engagement.

The descriptive evaluation will build on the findings of the pilot study conducted under the umbrella generic: Formative Data Collections for ACF Program Support (OMB #0970–0531). (Site selection for the pilot study was conducted under the umbrella generic: Formative Data Collections for ACF Research (OMB #0970–0356.) It will focus on organizational changes and network supports for father and paternal relative engagement, changes in staff attitudes and skills for engaging fathers and paternal relatives, and father and paternal relative engagement outcomes. This evaluation will explore the implementation of father and paternal relative engagement strategies by examining process outcomes. By examining process outcomes, the evaluation is designed to indicate whether strategies developed in the BSC are likely to lead to placement stability and permanency outcomes.

Data collection will take place with stakeholders in as many as five child welfare agencies implementing the BSC. Data collection activities include discussions with participating agency staff and key partners during site visits, focus groups with fathers and paternal relatives with relatively recent experience with the focal child welfare agencies, and web surveys of participating agency staff.

*Respondents:* Child welfare agency leaders, child welfare agency program staff and key partner staff involved in implementing the engagement strategies, and father and paternal relative clients of the agencies. Program staff may include senior leaders, managers, and frontline staff.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents (total over request period) | Number of responses per respondent (total over request period) | Avg. burden per response (in hours) | Total burden (in hours) | Annual burden (in hours) |
|---|---|---|---|---|---|
| Interview topic guide | 180 | 1 | 1.5 | 270 | 90 |
| Father and paternal relative focus group protocol | 72 | 1 | 1.5 | 108 | 36 |
| Staff survey | 90 | 2 | 0.33 | 59 | 20 |

*Estimated Total Annual Burden Hours:* 146.

*Comments:* The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

**Authority** Sec. 403. [42 U.S.C. 603] and Sec. 426. [42 U.S.C. 626].

**Mary B. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2021–08025 Filed 4–19–21; 8:45 am]

BILLING CODE 4184–73–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Updates to Uniform Standard for Waiver of the Ryan White HIV/AIDS Program Core Medical Services Expenditure Requirement, OMB No. 0906–XXXX–NEW

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate or any other aspect of the ICR.

**DATES:** Comments on this ICR should be received no later than June 21, 2021.

**ADDRESSES:** Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, Maryland 20857.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

**SUPPLEMENTARY INFORMATION:** When submitting comments or requesting information, please include the information request collection title for reference.

*Information Collection Request Title:* Updates to Uniform Standard for Waiver of the Ryan White HIV/AIDS Program Core Medical Services Expenditure Requirement, OMB No. 0906–XXXX–NEW.

*Abstract:* In accordance with sections 2604(c), 2612(b), and 2651(c) of the Public Health Service Act, Ryan White HIV/AIDS Program (RWHAP) recipients are required to spend not less than 75 percent of grant funds on core medical

services for individuals with HIV identified and eligible under the statute, after reserving statutory permissible amounts for administrative and clinical quality management costs. The RWHAP statute also grants the Secretary authority to waive this requirement for RWHAP Parts A, B, or C recipients if a number of requirements are met and a waiver request is submitted to HRSA for approval. RWHAP Part A, B, and C core medical services waiver requests—if approved—are effective for a 1-year budget period, and apply to funds awarded under the Minority AIDS Initiative.

Currently, for a core medical services waiver request to be approved, (1) core medical services must be available and accessible to all individuals identified and eligible for the RWHAP in the recipient's service area within 30 days, without regard to payer source; (2) there cannot be any AIDS Drug Assistance Program waiting lists in the recipient's service area; and (3) a public process to obtain input on the waiver request from impacted communities, including clients and RWHAP-funded core medical services providers, on the availability of core medical services and the decision to request the waiver must have occurred. The public process may be a part of the same one used to seek input on community needs as part of the annual priority setting and resource allocation, comprehensive planning, statewide coordinated statement of need (SCSN), public planning, and/or needs assessment processes.

HRSA is proposing to simplify the waiver request process for RWHAP Parts A, B, and C recipients by revising Policy Number 13–07: Uniform Standard for Waiver of Core Medical Services Requirement for Grantees Under Part, A, B, and C. The proposed changes would reduce the administrative burden for recipients by lessening the documentation they must submit to HRSA when requesting a waiver. Under the proposed policy, recipients would be required to submit a one-page ''HRSA RWHAP Core Medical Services Waiver Request Attestation Form'' to HRSA in lieu of the multiple documents currently required to submit a waiver request. Waiver request submission deadlines would also be revised. When finalized, the policy would replace HAB Policy Number 13–07 effective October 1, 2021, and would be named ''Waiver of the Ryan White HIV/AIDS Program Core Medical Services Expenditure Requirement.'' HRSA is inviting comments on the proposed policy change under a separate policy notice titled, *Updates to Uniform Standard for Waiver of the Ryan White HIV/AIDS Program Core Medical Services Expenditure Requirement.*

*Need and Proposed Use of the Information:* HRSA uses the documentation submitted in core medical services waiver requests to determine if the grant applicant or recipient meets the statutory requirements for waiver eligibility outlined in Sections 2604(c), 2612(b), and 2651(c) of the Public Health Service Act.

*Likely Respondents:* HRSA expects responses from RWHAP Parts A, B, and C grant applicants and recipients. The number of grant recipients requesting waivers has fluctuated annually and has ranged from 15 to up to 22 per year since the Program's implementation in FY 2007. Given the changes in the health care environment, HRSA anticipates receiving possibly up to 22 applications in a given year.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. Public reporting burden for this collection of information is estimated to average four hours per response, including the time for reviewing instructions, searching existing data sources, and completing and reviewing the collection of information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

| Form name | Number of respondents | Number of responses per respondent | Total responses | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| Waiver Request | 22 | 1 | 22 | 4 | 88 |
| Total | 22 | | 22 | | 88 |

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2021–08017 Filed 4–19–21; 8:45 am]

BILLING CODE 4165–15–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Updates to Uniform Standard for Waiver of the Ryan White HIV/AIDS Program Core Medical Services Expenditure

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

**ACTION:** Request for public comment on updates to uniform standard for waiver of the Ryan White HIV/AIDS Program

core medical services expenditure requirement.

**SUMMARY:** The Ryan White HIV/AIDS Program (RWHAP) statute of the Public Health Services Act requires that RWHAP Part A, B, and C recipients expend 75 percent of Parts A, B, and C grant funds on core medical services for individuals with HIV/AIDS identified and eligible under the statute, after reserving statutory permissible amounts for administrative and clinical quality management costs. The statute also grants the Secretary authority to waive this requirement if certain requirements are met. HRSA is proposing to simplify the process for RWHAP Part A, B, and C recipients to request a waiver of the core medical services expenditure amount requirement by replacing HRSA Policy Number 13–07, ''Uniform Standard for Waiver of Core Medical Services Requirement for Grantees Under Parts, A, B, and C'' (accessible at the following link) *https://hab.hrsa.gov/sites/default/files/hab/Global/13-07waiver.pdf.* This notice seeks to make public the proposed policy and provide an opportunity for public comment before its implementation. In a separate notice entitled, *Updates to Uniform Standard for Waiver of the Ryan White HIV/AIDS Program Core Medical Services Expenditure Requirement, OMB No. 0906–XXXX–NEW,* HRSA is inviting comments on the data collection changes associated with this proposed policy change.

**DATES:** Submit comments no later than June 21, 2021. The policy will become effective on October 1, 2021.

**ADDRESSES:** Electronic comments on this policy should be sent to *RyanWhiteComments@hrsa.gov* by June 21, 2021.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Emeka Egwim, U.S. Public Health Service, Senior Policy Analyst, Division of Policy & Data, HRSA, HIV/AIDS Bureau, 5600 Fishers Lane, Rockville, MD 20857, Phone: (301) 945–9637 or by emailing *RyanWhiteComments@hrsa.gov.*

**SUPPLEMENTARY INFORMATION:** The RWHAP statute grants the Secretary authority to waive this requirement for RWHAP Parts A, B, or C recipients if a number of requirements are met and a waiver request is submitted to HRSA for approval. RWHAP Part A, B, and C core medical services waiver requests—if approved—are effective for a 1-year budget period, and apply to funds awarded under the Minority AIDS Initiative.

Currently, for a core medical services waiver request to be approved, (1) core medical services must be available and accessible to all individuals identified and eligible for the RWHAP in the recipient's service area within 30 days, without regard to payer source; (2) there cannot be any AIDS Drug Assistance Program (ADAP) waiting lists in the recipient's service area; and (3) a public process to obtain input on the waiver request from impacted communities, including clients and RWHAP-funded core medical services providers, on the availability of core medical services and the decision to request the waiver must have occurred. The public process may be a part of the same one used to seek input on community needs as part of the annual priority setting and resource allocation, comprehensive planning, statewide coordinated statement of need, public planning, and/or needs assessment processes.

The proposed changes would reduce the administrative burden for recipients by lessening the documentation they must submit to HRSA when requesting a waiver. Under the proposed policy, recipients would be required to submit a one-page ''HRSA RWHAP Core Medical Services Waiver Request Attestation Form'' to HRSA in lieu of the multiple documents currently required to submit a waiver request. Waiver request submission deadlines would also be revised. When finalized, the policy would replace HIV/AIDS Bureau (HAB) Policy Number 13–07 effective October 1, 2021, and would be named ''Waiver of the Ryan White HIV/AIDS Program Core Medical Services Expenditure Requirement.''

*Summary of Proposed Changes:* Currently, all waiver requests must be signed by the Chief Elected Official or the project director, and include several documents, regardless of when they are submitted relative to the grant application. The documents required under the current waiver request process outlined in HAB Policy Number 13–07 are: (1) A letter signed by the Director of the RWHAP Part B state/territory recipient indicating that there is no current or anticipated ADAP services waiting list in the state/territory; (2) evidence that all core medical services listed in the statute are available and accessible within 30 days for all identified and eligible individuals with HIV in the service area; (3) evidence of a public process; and (4) a narrative of up to 10 pages.

HRSA has determined that some of this required information is duplicative of information recipients already submit as part of recipients' grant applications or other reporting requirements. The current documentation for preparing and submitting waiver requests requires a substantial amount of time for recipients. Likewise, HRSA requires a substantial amount of time to review and process them. Therefore, HRSA is proposing that recipients submit the proposed ''HRSA RWHAP Core Medical Services Waiver Request Attestation Form'' in lieu of the supporting documentation required per HAB Policy Number 13–07. HRSA may request additional information or supporting documentation upon request.

**Availability of Core Medical Services**

Currently, consistent with HAB Policy Number 13–07, recipients requesting core medical services waivers must provide evidence that all core medical services listed in the RWHAP statute are available for all identified and eligible individuals with HIV/AIDS in the service area without regard to the source of funding. However, as part of their grant application, RWHAP Part A, B, and C recipients provide sufficient information to satisfy this requirement. RWHAP Part A recipients describe the comprehensive system of care in the entire eligible metropolitan area or transitional grant area. This description includes the available core medical and support services funded by RWHAP Part A and other funding sources (including Minority AIDS Initiative funds), where those services are located, and how clients may access those services. Similarly, RWHAP Part B recipients provide a general description of the HIV service delivery system in the state/territory, including what services are available, where those services are located, and how clients may access those services. RWHAP Part C recipients also provide a description of services available to people with HIV in the entire designated service area; a map showing locations of all current and proposed local providers of HIV outpatient primary health care services, including the recipient's organization; and a list of all public and private organizations that provide HIV outpatient primary health care services to people with HIV in the entire designated service area. Therefore, it is duplicative to require additional documentation of this information separately as part of the core medical services waiver application.

**ADAP Waiting Lists**

Consistent with the current requirements outlined in HAB Policy Number 13–07, recipients requesting core medical services waivers are required to submit a letter from the director of the RWHAP Part B state/territory recipient indicating there are no current or anticipated ADAP services

waiting lists in the service area. All RWHAP Part B recipients already indicate in their grant applications whether there are ADAP waiting lists in their state or territory, and whether the recipient anticipates implementing one. Under the proposed changes, RWHAP Part A, B, and C recipients must still attest that there are no ADAP waiting lists in the RWHAP Part B program on the RWHAP Core Medical Services Waiver Request Attestation Form to HRSA.

**Evidence of a Public Process**

Currently, recipients submitting waiver requests also submit letters from the Planning Council Chair(s) and the state HIV/AIDS director describing the public process that occurred in the jurisdiction related to the availability of core medical services and the decision to request a waiver. RWHAP program recipients describe how they engaged affected communities regarding the availability of core medical services as part of their grant applications, and include evidence describing the community input process and how it informs the priority setting and resource allocation process for the jurisdiction. Specifically, the community input process described in RWHAP Part A grant applications addresses how data were used in the priority setting and allocation processes to increase access to core medical services. RWHAP Part B recipients' grant applications include needs assessments that in part, describes the Public Advisory Planning Process models to ensure inclusion of people with HIV, other RWHAP recipients, other HIV related programs, other general and local stakeholders, and community leaders. Similarly, RWHAP Part C recipients' grant applications include documentation on the process used to obtain community input on the design and implementation of activities related to the grant.

HRSA notes that these public processes are not done in the context of RWHAP Part A, B, or C recipients requesting waivers of the RWHAP core medical services expenditure requirements. Therefore, consistent with the requirements outlined in the statute, RWHAP Parts A, B, and C recipients should ensure the completion of a public process to obtain input on their desire to request a core medical services waiver prior to submitting the HRSA RWHAP Core Medical Services Waiver Request Attestation Form.

In addition to the three requirements outlined above and in HAB Policy Number 13–07, HRSA currently requires recipients to submit a narrative of up to 10 pages describing how their proposed percentage allocation will allow for services to be provided if the waiver is granted. These narratives also include any underlying local or state issues that influenced the decision to request a waiver, a proposed resource allocation table, as well as a description of the general healthcare landscape in the service area and how it may have changed over time. Given that recipients provide this information as part of the narrative in their grant applications or other submitted documentation, when a recipient submits a core medical services waiver application under the proposed policy, HRSA would be able to refer to that information or could request additional information from the recipient if needed.

For the reasons outlined above, HRSA has determined that these duplicative requirements outlined in HAB Policy Number 13–07 are administratively burdensome and can be reduced with a more streamlined process. The proposed policy would replace waiver requests with a one-page ''HRSA RWHAP Core Medical Services Waiver Request Attestation Form (see below).'' The Chief Elected Official, Chief Executive Officer, or a designee of either, would complete and submit the HRSA RWHAP Core Medical Services Waiver Request Attestation Form to HRSA certifying that the recipient has met the requirements outlined in the RWHAP statute and the new policy notice. This attestation form would be included as the last page of HAB Policy Notice 21–01, and would consist of the following:

1. Instructions stating the form is to be completed by the Chief Elected Official, Chief Executive Officer, or a designee of either, and the person completing it should initial the included checkboxes to attest to meeting each requirement after reading and understanding its explanation.

2. A field in which the recipient can fill in its name.

3. Checkboxes with which the recipient can indicate the following:

a. If they are a RWHAP Part A, B, or C recipient
b. Whether the request is an initial request or renewal request
c. The year the waiver is being requested

4. Checkboxes with which the recipient attests to meeting the following requirements:

a. Not having an ADAP waiting list
b. Availability of and accessibility to core medical services to all eligible individuals within the service area within 30 days
c. Evidence of having conducted a public process

5. Fields for the following details of the official completing the form:

a. Signature
b. Printed name
c. Title

6. The date the form was signed

## HRSA Ryan White HIV/AIDS Program (RWHAP) Core Medical Services Waiver Request Attestation Form

*This form is to be completed by the Chief Elected Official, Chief Executive Officer, or a designee of either.*

*Please initial to attest to meeting each requirement after reading and understanding the explanation.*

**Name of recipient** _____

☐ **RWHAP Part A recipient** ☐ **RWHAP Part B recipient** ☐ **RWHAP Part C recipient**

☐ **Initial request** ☐ **Renewal request**

**Year of request** _____

| REQUIREMENT | EXPLANATION |
|---|---|
| **No ADAP waiting lists** | By initialing here and signing this document, you attest there are no AIDS Drug Assistance Program (ADAP) waiting lists in the service area. ☐ |
| **Availability of, and accessibility to core medical services to all eligible individuals** | By initialing here and signing this document, you attest to the availability of and access to core medical services for all HRSA RWHAP eligible individuals in the service area within 30 days. Such access is without regard to funding source, and without the need to spend on these services, at least 75 percent of funds remaining from your RWHAP award after reserving statutory permissible amounts for administrative and clinical quality management. You also agree to provide HRSA HAB supportive evidence of meeting this requirement upon request. ☐ |
| **Evidence of a public process** | By initialing here and signing this document, you attest to having had a public process during which input related to the availability of core medical services and the decision to request this waiver was sought from impacted communities, including clients and RWHAP funded core medical services providers. You also agree to provide supportive evidence of such process to HRSA HAB upon request. ☐ |

_____

**SIGNATURE OF CHIEF ELECTED OFFICIAL OR CHIEF EXECUTIVE OFFICER (OR DESIGNEE)**

_____

**PRINT NAME**

_____

**TITLE**

_____

**DATE**

Although the proposed policy's purpose is to reduce administrative burden for recipients, if finalized, it would not change the underlying requirements necessary to obtain a waiver, *i.e.,* ensuring that: (1) All core medical services are available and accessible within 30 days in the jurisdiction or service area, (2) the state ADAP has no waiting lists, and (3) the recipient has used a public process to determine the need for a waiver. The HRSA RWHAP Core Medical Services Waiver Request Attestation Form provides recipients applying for waivers the ability to attest to having satisfied these requirements. Notwithstanding, recipients may still be required to provide further information to HRSA upon request.

### Submission Deadlines

In addition to reducing the volume of documentation, HRSA is proposing to change the deadlines for submitting waiver requests.

Currently, consistent with the process outlined in HAB Policy Number 13–07, RWHAP Parts A, B, and C recipients may choose to submit a waiver request at any time prior to submission of the annual grant application, with the annual grant application, or up to 4 months after the start of the grant year for which the waiver is being requested.

To facilitate a more efficient review of waiver requests, the proposed changes would require waiver requests to be submitted by specific programmatic deadlines. A RWHAP Part A recipient would submit their waiver request as an attachment with the annual grant application or non-competing continuation (NCC) progress report. Because RWHAP Part B recipients submit their final budget 90 days after receiving their Notice of Award, the need for a waiver may not be identified until the final budget is approved. Therefore, a RWHAP Part B recipient would submit their waiver request either in advance of the grant application, with the grant application,

with the mandatory NCC progress report, or up to 4 months into the grant award budget period for which the waiver is being requested. A RWHAP Part C recipient would submit their request for a waiver as an attachment with the grant application or the mandatory NCC progress report. These proposed changes are intended to better align waiver requests with programmatic processes, thereby allowing HRSA to better manage the review and processing of waiver requests.

The proposed policy maintains that applicants submit their waiver requests with their grant applications through *www.grants.gov.* Recipients submit their waiver requests with the mandatory NCC progress report through the Electronic Handbooks (EHB). For waiver requests that are not submitted with grant applications or the mandatory NCC progress report, the proposed policy would require a recipient to notify its HRSA project officer (PO) of its intention to request a waiver in order to initiate a request for information in the EHB.

In the current process, HRSA reviews requests and notifies recipients of waiver approval or denial no later than the date of issuance of the Notices of Award. In the proposed process, HRSA would notify recipients of waiver approval or denial within 4 weeks of receipt of the request, thereby saving weeks when compared to the current process. As with the current process, approved core medical services waivers will be effective for the 1-year budget period for which they are approved; recipients must submit a new request for each budget period. Also as with the current process, a recipient would not be required to implement an approved waiver should it no longer be needed.

## Waiver of the Ryan White HIV/AIDS Program Core Medical Services Expenditure Requirement

HAB Policy Notice 21–01
Replaces HAB Policy Number 13–07

### Scope of Coverage

HRSA HIV/AIDS Bureau RWHAP Parts A, B, and C.

### Purpose of Policy Notice

This HRSA policy notice replaces HAB Policy Number 13–07 Uniform Standard for Waiver of Core Medical Services Requirement for Grantees Under Parts, A, B, and C. It provides modified processes and requirements for HRSA RWHAP Parts A, B, and C recipients to request waivers of the statutory requirement regarding expenditure amounts for core medical services.

### Requirements

A RWHAP Part A, B, or C recipient must meet a number of requirements, and submit a waiver request to HRSA to receive a waiver of the core medical services expenditure requirement.

1. Core medical services must be available and accessible to all individuals identified and eligible for the RWHAP in the recipient's service area within 30 days. This access must be:

a. Without regard to payer source, and

b. without the need to spend at least 75 percent of funds remaining from the recipient's RWHAP award after statutory permissible amounts for administrative and clinical quality management costs are reserved.

2. The recipient must ensure there are no ADAP waiting lists in its service area.

3. A public process to obtain input on the waiver request must have occurred.

a. This process must seek input from impacted communities including clients and RWHAP-funded core medical services providers on the availability of core medical services, and the decision to request the waiver.

b. The public process may be a part of the same one used to seek input on community needs as part of the annual priority setting and resource allocation, comprehensive planning, statewide coordinated statement of need, public planning, and/or needs assessment processes.

### Requesting a Waiver

To request a waiver, the Chief Elected Official, Chief Executive Officer, or a designee of either must complete and submit the HRSA RWHAP Core Medical Services Waiver Request Attestation Form (appended below) to HRSA. The form should be submitted according to the applicable deadlines and methods for submission outlined below. By completing and submitting this form, the Chief Elected Official, Chief Executive Officer, or a designee of either attests to meeting the requirements outlined above and agrees to provide supportive evidence to HRSA upon request. No other documentation is required to be submitted with the HRSA RWHAP Core Medical Services Waiver Request Attestation Form, although recipients may be required to submit additional documentation to HRSA upon request.

### Deadlines for Submitting Waiver Requests

*RWHAP Part A Waiver Requests*

A HRSA RWHAP Part A recipient should submit their request for a waiver as an attachment with the grant application or the mandatory NCC progress report, if applicable. In each case, waiver requests do not count towards the submission page limit. Do not submit requests for waivers prior to the grant application or mandatory NCC progress report, nor after the start of the grant award budget period for which the waiver is being requested.

*RWHAP Part B Waiver Requests*

A HRSA RWHAP Part B recipient may submit their request for a waiver either in advance of the grant application, as an attachment to the grant application, with the mandatory NCC progress report, or up to 4 months into the grant award budget period for which the waiver is being requested.

*RWHAP Part C Waiver Requests*

A HRSA RWHAP Part C recipient should submit their request for a waiver as an attachment to the grant application or the mandatory NCC progress report. Do not submit requests for waivers prior to the grant application or mandatory NCC progress report, nor after the start of the grant award budget period for which the waiver is being requested.

### Methods for Submitting Waiver Requests

Applicants must submit their waiver requests with their grant applications through *www.grants.gov.* Recipients must submit their waiver requests with the mandatory NCC progress report through the Electronic Handbooks (EHB). Recipients who do not submit their waiver requests with their grant applications, or with their mandatory NCC progress reports must notify its HRSA PO of its intention to request a waiver. The PO will initiate a Request for Information in the EHB. The recipient must respond to the EHB task consistent with the deadlines for submitting waiver requests outlined above.

### Waiver Review and Notification Process

HRSA will review requests and notify recipients of waiver approval or denial within 4 weeks of receipt of the request.

Approved core medical services waivers will be effective for the 1-year budget period for which it is approved; recipients must submit a new request for each budget period. A recipient

approved for a core medical services waiver is not required to implement the waiver if it is no longer needed.

**Diana Espinosa,**

*Acting Administrator.*

[FR Doc. 2021–08016 Filed 4–19–21; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Special Topics: Vision Imaging, Bioengineering and Low Vision Technology Development.

*Date:* May 20–21, 2021.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Susan Gillmor, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 240–762–3076, *susan.gillmor@nih.gov.*

*Name of Committee:* Healthcare Delivery and Methodologies Integrated Review Group; Community Influences on Health Behavior Study Section.

*Date:* June 2–3, 2021.

*Time:* 10:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Tasmeen Weik, DRPH, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, Bethesda, MD 20892, 301–827–6480, *weikts@mail.nih.gov.*

*Name of Committee:* Infectious Diseases and Immunology A Integrated Review Group; Virology—B Study Section.

*Date:* June 9–10, 2021.

*Time:* 9:30 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435–1742, *kaushikbasun@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Bioengineering Science and Technology.

*Date:* June 21, 2021.

*Time:* 8:30 a.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Nitsa Rosenzweig, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7760, Bethesda, MD 20892, (301) 404–7419, *rosenzweign@csr.nih.gov.*

*Name of Committee:* Digestive, Kidney and Urological Systems Integrated Review Group; Digestive System Host Defense, Microbial Interactions and Immune and Inflammatory Disease Study Section.

*Date:* June 24–25, 2021.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Aiping Zhao, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, Bethesda, MD 20892–7818, (301) 435–0682, *zhaoa2@csr.nih.gov.*

*Name of Committee:* Infectious Diseases and Immunology A Integrated Review Group; Cellular and Molecular Immunology—B Study Section.

*Date:* June 24–25, 2021.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Liying Guo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, (301) 827–7728, *lguo@mail.nih.gov.*

*Name of Committee:* Infectious Diseases and Immunology A Integrated Review Group; Virology—A Study Section.

*Date:* June 24–25, 2021.

*Time:* 9:30 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Kenneth M. Izumi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3204, MSC 7808, Bethesda, MD 20892, 301–496–6980, *izumikm@csr.nih.gov.*

*Name of Committee:* Infectious Diseases and Immunology B Integrated Review Group; Host Interactions with Bacterial Pathogens Study Section.

*Date:* June 24–25, 2021.

*Time:* 9:45 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Fouad A. El-Zaatari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7808, Bethesda, MD 20892, (301) 435–1149, *elzaataf@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Biomedical Data Repositories and Knowledgebases.

*Date:* June 24, 2021.

*Time:* 10:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Joseph Thomas Peterson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9694, *petersonjt@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 15, 2021.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–08083 Filed 4–19–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Nutritional Adherence for Food Allergies.
*Date:* April 27, 2021.
*Time:* 10:00 a.m. to 1:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
*Contact Person:* Martha M. Faraday, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, 301–435–3575, *faradaym@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA Panel: Tobacco Regulatory Science A (or B).
*Date:* May 26, 2021.
*Time:* 11:00 a.m. to 4:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
*Contact Person:* Sepandarmaz Aschrafi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040D, Bethesda, MD 20892, (301) 451.4251, *Armaz.aschrafi@nih.gov*.

*Name of Committee:* Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurotoxicology and Alcohol Study Section.
*Date:* June 3–4, 2021.
*Time:* 10:00 a.m. to 5:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
*Contact Person:* Sepandarmaz Aschrafi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040D, Bethesda, MD 20892, (301) 451.4251, *Armaz.aschrafi@nih.gov*.

*Name of Committee:* Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neuroscience of Basic Visual Processes Study Section.
*Date:* June 9, 2021.
*Time:* 9:00 a.m. to 7:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
*Contact Person:* Kirk Thompson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301–435–1242, *kgt@mail.nih.gov*.

*Name of Committee:* Interdisciplinary Molecular Sciences and Training Integrated Review Group; Cellular and Molecular Technologies Study Section.
*Date:* June 22–23, 2021.
*Time:* 10:00 a.m. to 7:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
*Contact Person:* Tatiana V. Cohen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–455–2364, *tatiana.cohen@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 15, 2021.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–08093 Filed 4–19–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Advancing Translational Sciences Special Emphasis Panel; SBIR Topic 019.
*Date:* May 11, 2021.
*Time:* 1:00 p.m. to 4:00 p.m.
*Agenda:* To review and evaluate contract proposals.
*Place:* National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard; Room 1078, Bethesda, MD 20892 (Telephone Conference Call).
*Contact Person:* Rahat (Rani) Khan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1078, Bethesda, MD 20892, 301–594–7319, *khanr2@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: April 15, 2021.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–08091 Filed 4–19–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel Fellowship: Immuno-Oncology.
*Date:* April 22, 2021.
*Time:* 1:00 p.m. to 3:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
*Contact Person:* Ola Mae Zack Howard, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7806, Bethesda, MD 20892, 301–451–4467, *howardz@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 15, 2021.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–08092 Filed 4–19–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Center for Advancing Translational Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Advancing Translational Sciences Special Emphasis Panel; NTU.

*Date:* May 10, 2021.

*Time:* 8:00 a.m. to 4:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1000, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Alumit Ishai, Ph.D., Scientific Review Officer, Office of Grants Management and Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, MD 20892, 301–827–5819, *alumit.ishai@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: April 15, 2021.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–08094 Filed 4–19–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Biostatistical Methods and Research Design: Additional Applications.

*Date:* April 27, 2021.

*Time:* 1:30 p.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Victoriya Volkova, Ph.D., DVM, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 594–7781, *volkovav2@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 15, 2021.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–08090 Filed 4–19–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of General Medical Sciences Special Emphasis Panel; Review of COBRE I Applications.

*Date:* June 24–25, 2021.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Video Meeting).

*Contact Person:* Ruth Grossman, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, Bethesda, MD 20892, (301) 435–2409, *grossmanrs@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: April 15, 2021.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–08082 Filed 4–19–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of General Medical Sciences Special Emphasis Panel; Review of NIGMS Score Applications.

*Date:* June 17, 2021.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Video Meeting).

*Contact Person:* Brian R. Pike, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, Bethesda, MD 20892, 301–594–3907, *pikebr@mail.nih.gov.*

*Name of Committee:* National Institute of General Medical Sciences Special Emphasis Panel; Review of MOSAIC K99/R00 Applications.

*Date:* July 20, 2021.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Video Meeting).

*Contact Person:* Isaah S. Vincent, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12L, Bethesda, MD 20892, 301–594–2948, *isaah.vincent@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: April 15, 2021.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–08084 Filed 4–19–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4422–DR; Docket ID FEMA–2021–0001]**

### La Jolla Band of Luiseño Indians; Amendment No. 2 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the La Jolla Band of Luiseño Indians (FEMA–4422–DR), dated March 26, 2019, and related determinations.

**DATES:** This amendment was issued March 3, 2021.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated March 3, 2021, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), in a letter to Robert J. Fenton, Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage to the lands associated with the La Jolla Band of Luiseño Indians resulting from severe storms, flooding, landslides, and mudslides during the period of February 14 to February 15, 2019, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act'').

Therefore, I amend the declaration of March 26, 2019, to authorize Federal funds for all categories of Public Assistance at 90 percent of total eligible costs.

This adjustment to the cost sharing applies only to Public Assistance costs and direct Federal assistance eligible for such adjustments under the law. The Robert T. Stafford Disaster Relief and Emergency Assistance Act specifically prohibits a similar adjustment for funds provided for the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Robert J. Fenton,**

*Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.*

[FR Doc. 2021–08067 Filed 4–19–21; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4423–DR; Docket ID FEMA–2021–0001]**

### Cahuilla Band of Indians; Amendment No. 2 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the Cahuilla Band of Indians (FEMA–4423–DR), dated March 28, 2019, and related determinations.

**DATES:** This amendment was issued March 3, 2021.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated March 3, 2021, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), in a letter to Robert J. Fenton, Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage to the lands associated with the Cahuilla Band of Indians resulting from severe storms and flooding on February 14, 2019, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act'').

Therefore, I amend the declaration of March 28, 2019, to authorize Federal funds for all categories of Public Assistance at 90 percent of total eligible costs.

This adjustment to the cost sharing applies only to Public Assistance costs and direct

Federal assistance eligible for such adjustments under the law. The Robert T. Stafford Disaster Relief and Emergency Assistance Act specifically prohibits a similar adjustment for funds provided for the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**Robert J. Fenton,**

*Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.*

[FR Doc. 2021–08064 Filed 4–19–21; 8:45 am]

BILLING CODE 9111–23–P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2021–0015; Internal Agency Docket No. DHS–20–GPD–044–00–97]**

### Assistance to Firefighters Grant Program; Fire Prevention and Safety Grants

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This Notice provides guidelines that describe the application process for Fire Prevention and Safety (FP&S) Grant Program grants and the criteria the Federal Emergency Management Agency (FEMA) will use to award these grants for Fiscal Year (FY) 2020. It explains the differences, if any, between these guidelines and those recommended by representatives of the Nation's fire service leadership during the annual Criteria Development meeting, which was held December 11, 2019. The application period for the FY 2020 FP&S Grant Program was January 25, 2021, through February 26, 2021, and was announced on the Assistance to Firefighters Grants Program (AFGP) website at: *https://www.fema.gov/grants/preparedness/firefighters, www.grants.gov,* and the U.S. Fire Administration website at *www.usfa.fema.gov.*

**DATES:** Grant applications for the FP&S Grant Program were accepted electronically at *https://go.fema.gov* from January 25, 2021, at 8:00 a.m. ET through February 26, 2021, at 5:00 p.m. ET.

**ADDRESSES:** Assistance to Firefighters Grants Program Branch, DHS/FEMA, 400 C Street SW 3N, Washington, DC 20472–3635.

**FOR FURTHER INFORMATION CONTACT:** Catherine Patterson, Chief, Assistance to Firefighters Grants Program Branch, (866) 274–0960.

**SUPPLEMENTARY INFORMATION:** The purpose of the FP&S Grant Program is to enhance the safety of the public and firefighters by assisting fire prevention programs and supporting firefighter health and safety research and development. The FEMA Grant Programs Directorate administers the FP&S Grant Program as part of the AFGP.

The FP&S Grant Program's authorizing statute requires that FEMA publish the guidelines that describe the application process and the criteria for grant awards in the **Federal Register** each year. Specific information about the submission of grant applications can be found in the FY 2020 FP&S Grant Program Notice of Funding Opportunity (NOFO), which is available for download at *https://www.fema.gov/grants/preparedness/firefighters.*

#### Congressional Appropriations

Congress appropriated $355 million for AFG Program in FY 2020 pursuant to the *Department of Homeland Security Appropriations Act, 2020,* Public Law 116–93. From this amount, $35.5 million will be made available for FP&S Grant Program awards, pursuant to 15 U.S.C. 2229(h)(5), which states that not less than 10 percent of available grant funds each year are awarded under the FP&S Grant Program. Funds appropriated for all FY 2020 AFG Program awards, pursuant to Public Law 116–93, will be available for obligation and award until Sept. 30, 2021.

FEMA anticipates that it will receive approximately 670 applications and may award approximately 100 FP&S Grant Program grants.

#### Background of the FP&S Grant Program

The purpose of the FP&S Grant Program is to enhance the safety of the public and firefighters by assisting fire prevention programs and supporting firefighter health and safety research and development. FP&S Grant Program grants are offered to support projects in two activities:

1. *FP&S Activity:* Activities designed to reach high-risk target groups and mitigate the incidence of death, injuries, and property damage caused by fire and fire-related hazards.

2. *Research and Development (R&D) Activity:* Projects aimed at improving firefighter safety, health, or wellness through research and development that reduce firefighter fatalities and injuries.

FEMA awards grants on a competitive basis to applicants that best address the FP&S Grant Program's priorities and provide the most compelling justification. A panel of reviewers evaluates each project in accordance with the evaluation criteria. The highest rated projects are recommended for funding.

#### Award Criteria

All applications for grants will be prepared and submitted through the FEMA Grants Outcomes (FEMA GO) system (*https://go.fema.gov*).

Applications submitted under the FP&S Activity will be reviewed by a panel of fire service members using the following criteria:

- Financial Need
- Commitment to Mitigation
- Vulnerability Statement
- Project Description
- Implementation Plan
- Evaluation Plan
- Cost vs. Benefit

Applications submitted under the R&D Activity will be reviewed first by a panel of fire service members to identify those applications most relevant to the fire service. The following evaluation criteria will be used for this review:

- Purpose
- Potential Impact
- Implementation by the Fire Service
- Barriers
- Partners

The applications that are determined most likely to enable improvement in firefighter safety, health, or wellness will be deemed to be in the ''competitive range'' and forwarded to the second level of application review, which is the science panel review process. This panel will be composed of scientists and technology experts who have expertise pertaining to the subject matter of the proposal.

The Science Panel for the R&D Activity will review the application and evaluate it using the following criteria:

- Project Goals, Objectives, and Specific Aims

- Literature Review
- Project Methods
- Project Measurements
- Project Analysis
- Dissemination and Implementation
- Cost vs. Benefit (additional consideration)
- Financial Need (additional consideration)
- Mentoring (additional consideration for Early Career Investigator Projects only)

**Eligible Applicants**

Under the FY 2020 FP&S Grant Program, eligible applicants are limited to those entities described below within each activity:

1. *FP&S Activity:* Eligible applicants for this activity included fire departments and national, regional, state, local, tribal, and nonprofit interest organizations that are recognized for their experience and expertise in fire prevention and safety programs and activities. Both private and public non-profit organizations are eligible to apply for funding in this activity. For-profit organizations, Federal agencies, and individuals are not eligible to receive an FP&S Grant Program award under the FP&S Activity.

2. *R&D Activity:* Eligible applicants for this activity include national, state, local, federally-recognized tribal, and nonprofit organizations, such as academic (*e.g.,* universities), public health, occupational health, and injury prevention institutions. Both private and public non-profit organizations are eligible to apply for funding in this activity.

The aforementioned entities are encouraged to apply, especially those that are recognized for their experience and expertise in firefighter safety, health, and wellness research and development activities. Fire departments are not eligible to apply for funding in the R&D Activity. Additionally, for-profit organizations, Federal agencies, and individuals are not eligible to receive a grant award under the R&D Activity.

**Funding Limitations**

Awards are limited to a maximum Federal share of $1.5 million regardless of applicant type, in accordance with 15 U.S.C. 2229(d)(2). R&D Activity applicants that applied under the Early Career Investigator category are limited to a maximum Federal share of $75,000 per project year.

**Cost Sharing**

Grant recipients must share in the costs of the projects funded under this grant program as required by 15 U.S.C. 2229(k)(1) and in accordance with 2 CFR 200.101(b)(1), but they are not required to have the cost share at the time of application nor are they required to have it at the time of award. However, before a grant is awarded, FEMA may contact potential awardees to determine whether the grant recipient has the funding in hand or whether the grant recipient has a viable plan to obtain the funding necessary to fulfill the cost-share requirement.

In general, an eligible applicant seeking an FP&S Grant Program grant to carry out an activity shall agree to make available non-Federal funds to carry out such activity in an amount equal to, and not less than, five percent of the grant awarded. Cash match and in-kind matches are both allowable in the FP&S Grant Program. Cash (hard) matches include non-Federal cash spent for project-related costs. In-kind (soft) matches include, but are not limited to, the valuation of in-kind services; complementary activities; and provision of staff, facilities, services, material, or equipment. In-kind is the value of something received or provided that does not have a cost associated with it. For example, where an in-kind match (other than cash payments) is permitted, then the value of donated services could be used to comply with the match requirement. Also, third party in-kind contributions may count toward satisfying match requirements provided the grant recipient receiving the contributions expends them as allowable costs in compliance with provisions listed above.

Grant recipients under this program must also agree to a maintenance of effort requirement per 15 U.S.C. 2229(k)(3) (referred to as a ''maintenance of expenditure'' requirement in that statute). Per this requirement, a grant recipient shall agree to maintain during the term of the grant, the grant recipient's aggregate expenditures relating to the activities allowable under the FP&S Grant Program NOFO at not less than 80 percent of the average amount of such expenditures in the two fiscal years preceding the fiscal year in which the grant amounts are received.

In cases of demonstrated economic hardship and upon the request of the grant recipient, the FEMA Administrator may waive or reduce a certain grant recipient's cost share or maintenance of expenditure requirements, or both (15 U.S.C. 2229(k)(4)(A)). As required by 15 U.S.C. 2229(k)(4)(B), the Administrator established guidelines for determining what constitutes economic hardship and published these guidelines at FEMA's website: *https://www.fema.gov/media-library-data/1519836401291-5ab3e7fc3eaea15bea8a68b5638e892d/Eco_Hardship_Waiver_FPS_SAFER_AFG_IB_FINAL.pdf.* Per 15 U.S.C. 2229(k)(4)(C), FP&S Grant Program nonprofit organization grant recipients that are not fire departments or emergency medical services organizations are not eligible to receive a waiver of their cost-share for economic hardship requirements.

**System for Award Management (SAM)**

Per 2 CFR 25.200, all grant applicants and recipients are required to register at *https://SAM.gov,* which is available free of charge. FEMA requires active SAM registration at the time of application in FEMA GO, and will not process any awards, consider any payment or amendment requests, or consider any amendment unless the applicant or grant recipient has complied with the requirements to provide a valid Dun & Bradstreet (DUNS) database number and an active SAM registration with current information. The banking information, employer identification number (EIN), organization/entity name, address, and DUNS number provided in SAM will be automatically transferred to the application after the entity registers in FEMA GO at *https://go.fema.gov.*

**Application Process**

Applicants (identified by the Unique Entity Identifier) may apply for funding under both eligible activities (FP&S and R&D) but must complete separate applications for each eligible activity. Each application may include up to three projects under that activity. Applicants are limited to one application per activity, per application period. Any applicant that submits more than one application per eligible activity may have all applications deemed ineligible.

Under the FP&S Activity, applicants could apply under the following categories:

- Community Risk Reduction
- Wildfire Risk Reduction
- Fire & Arson Investigation
- Code Enforcement/Awareness
- National/State/Regional Programs and Projects

Under the R&D Activity, applicants could apply under the following categories:

- Clinical Studies
- Technology and Product Development
- Database System Development
- Dissemination and Implementation Research
- Preliminary Studies
- Early Career Investigator

Prior to the start of the FY 2020 FP&S Grant Program application period, FEMA provided applicants with technical assistance tools available at the AFGP website *https://www.fema.gov/grants/preparedness/firefighters* and other online information to help them prepare quality grant applications. AFGP also staffs a Helpdesk throughout the application period to assist applicants with navigation through the automated application as well as assistance with related questions. The AFGP Helpdesk can be reached year-round through a toll-free telephone number (866–274–0960) or email *firegrants@fema.dhs.gov.*

Applicants could access the application electronically at *https://go.fema.gov.* The application was also accessible from the *Grants.gov* website: *http://www.grants.gov.* New applicants were required to register and establish a username and password electronically at *https://go.fema.gov* for secure access to their application. The FEMA GO Helpdesk was available to assist applicants with technical issues and could be reached at (877) 585–3242 or by email at *femago@fema.dhs.gov.* The FEMA GO Helpdesk is open Monday through Friday, 8 a.m.–6 p.m. ET.

In completing an application under the FY 2020 FP&S Grant Program, applicants must provide relevant information on their organization's characteristics and existing capabilities. Those applicants are asked to answer questions about their grant request that reflect the funding priorities, described below. In addition, applicants are required to complete narratives for each project requested.

The following are the funding priorities for each category under the FP&S Activity:

- *Community Risk Reduction*—Under the Community Risk Reduction category there are three funding priorities:
  - Priority will be given to programs that target a specific high-risk population to conduct both door-to-door smoke alarm installations and provide home safety inspections, as part of a comprehensive home fire safety campaign.
  - Priority will be given to programs that include sprinkler awareness that affect the entire community, such as educating the public about sprinklers, promoting sprinklers, and demonstrating working models of sprinklers.
  - Priority will be given to programs to conduct community-appropriate comprehensive risk assessments and risk reduction planning.
- *Wildfire Risk Reduction*—These are education and awareness programs that protect lives, property, and natural resources from fire in the Wildland Urban Interface (WUI) (not forestry), including Community Wildfire Protection Plans (CWPP) or programs supporting fire adapted community initiatives.
- *Code Enforcement/Awareness*—These are projects that focus on first time or reinstatement of code adoption and code enforcement, including WUI codes for communities with a WUI-wildfire risk.
- *Fire & Arson Investigation*—These are projects that aim to aggressively investigate every fire.
- *National/State/Regional Programs and Projects*—These are projects that focus on residential fire issues and/or firefighter safety and wellness.

Under the R&D Activity, in order to identify and address the most important elements of firefighter safety, FEMA looked to the fire service for its input and recommendations. In June 2005, the National Fallen Firefighters' Foundation (NFFF) hosted a working group to facilitate the development of an agenda for the Nation's fire service, and in particular for firefighter safety. In November 2015, the NFFF hosted its third working group to update the agenda with current priorities. A copy of the research agenda is available on the NFFF website at *http://www.everyonegoeshome.com/resources/research-symposium-reports/.*

All proposed projects, regardless of whether they have been identified by the working group, will be evaluated on their relevance to firefighter health and safety, and scientific rigor.

The electronic application process permits the applicant to enter and save the application data. The system does not permit the submission of incomplete applications. Except for the narrative textboxes, the application uses a ''point-and-click'' selection process or requires the entry of data (*e.g.,* name and address). Applicants are encouraged to read the FP&S Grant Program NOFO for more details.

**Criteria Development Process**

Each year, FEMA convenes a panel of fire service professionals to develop the funding priorities and other implementation criteria for the FP&S Grant Program. The Criteria Development Panel is composed of representatives from nine major fire service organizations that are charged with making recommendations to FEMA regarding the creation of new funding priorities, the modification of existing funding priorities, and the development of criteria for awarding grants. The nine major fire service organizations represented on the panel:

- Congressional Fire Services Institute (CFSI)
- International Association of Arson Investigators (IAAI)
- International Association of Fire Chiefs (IAFC)
- International Association of Fire Fighters (IAFF)
- International Society of Fire Service Instructors (ISFSI)
- National Association of State Fire Marshals (NASFM)
- National Fire Protection Association (NFPA)
- National Volunteer Fire Council (NVFC)
- North American Fire Training Directors (NAFTD)

The FY 2020 Criteria Development Panel meeting occurred Dec. 11, 2019. The content of the FY 2020 FP&S Grant Program NOFO reflects the implementation of the Criteria Development Panel's recommendations with respect to the priorities, direction, and criteria for awards. All of the funding priorities for the FY 2020 FP&S Grant Program are designed to address the following:

- First responder safety
- Enhancing national capabilities
- Risk
- Interoperability

**Changes for FY 2020**

The following changes were made between the FY 2019 and the FY 2020 FP&S Grant Program NOFO:

- Under section E—Application Review Information:
  - Fire Department applicants that can demonstrate their commitment and proactive posture to reducing fire risk will receive higher consideration.
- Under sections D—Application and Submission Information, E—Application Review Information, F—Federal Award Administration Information, G—DHS Awarding Agency Contact and Resource Information, and H—Additional Information:
  - Various grants management changes due to recent OMB revisions to 2 CFR, particularly regarding SAM registration, performance measures, procurement, closeout, and termination.
- Under section E—Application Review Information:
  - New Research Terms and Conditions added.
- Under Supporting Definitions:
  - Definitions added for Authority Having Jurisdiction, Career Fire Department, Combination Fire Department, Human Subject, Interest Organizations, Primary First Due,

Research, and Volunteer Fire Department.

- Under National/State/Regional Programs and Projects:
  - Added guidance regarding human subjects.
- Under Regional Projects:
  - Added guidance regarding regional projects.
- Under Environmental Planning and Historic Preservation (EHP):
  - Added updated process for EHP.
- Under Ineligible Costs and Items for FP&S Activity:
  - Intruder alerting systems and deployment notification systems were added as ineligible.
- Under Award Administration Information (Appendix C):
  - Added updated process for Economic Hardship Waiver.
  - Added list of supporting documentation for advance and reimbursement payment requests.

**Application Review Process and Considerations**

The FP&S Grant Program's authorizing statute requires that each year FEMA publish in the **Federal Register** a description of the grant application process and the criteria for grant awards. This information is provided below.

FEMA will review and evaluate all FP&S Grant Program applications submitted using the funding priorities and evaluation criteria described in this document, which are based on recommendations from the Criteria Development Panel.

**Peer Review Process**

*Peer Review Panel Process—FP&S Activity*

All FP&S Activity applications will be evaluated through a peer review process. A panel of peer reviewers is composed of fire service representatives recommended by the Criteria Development Panel. These reviewers will assess each application's merits with respect to the detail provided in the Narrative Statement on the activity, including the evaluation elements listed in the Evaluation Criteria identified below. The panel will independently score each project within the application, discuss the merits and/or shortcomings of the application, and document the findings. A consensus is not required.

*Peer Review Panel Process—R&D Activity*

R&D Activity applications will go through a two-phase review process. First, all applications will be reviewed by a panel of fire service experts to assess the need for the research results and the likelihood that the results would be implemented by the fire service in the United States. Applications that are deemed likely to be implemented to enable improvement in firefighter safety, health, or wellness will be deemed to be in the ''competitive range'' and will be forwarded to the second level of project review, which is the science review panel process. This panel will be composed of scientists and technology experts who have expertise pertaining to the subject matter of the proposal.

Science panel reviewers will independently score applications in the competitive range and, if necessary, discuss the merits or shortcomings of the project in order to reconcile any major discrepancies identified by the reviewers. A consensus is not required.

*Technical Evaluation Process*

The highest ranked projects from both Activities will be deemed in the fundable range. Applications that are in the fundable range will undergo a Technical Review by the FEMA Program Office prior to being recommended for award. The FEMA Program Office will assess the request with respect to costs, quantities, feasibility, eligibility, and recipient responsibility prior to recommending any application for award. Additionally, FEMA will review whether the project duplicates other federally funded research or prevention activities in order to avoid duplication.

Once the review process is complete, each project's score will be determined and a final ranking of project applications will be created. FEMA will award grants based on this final ranking. Award announcements will be made on a rolling basis until all available grant funds have been committed. Awards will not be made in any specified order. FEMA will notify unsuccessful applicants as soon as it is feasible.

**Evaluation Criteria for Projects—FP&S Activity**

Funding decisions will be informed by an assessment of how well the application addressed the criteria and considerations listed below. Applications will be reviewed by the peer reviewers using weighted evaluation criteria to score the project. These scores will impact the ranking of a project for funding.

The relative weights of the evaluation criteria in the determination of the grant award is listed below.

- *Financial Need (Fire Departments–10 percent, Interest Organizations–0 percent):* Applicants must have provided details on the need for financial assistance to carry out the proposed project(s). Included in the description might be other unsuccessful attempts to acquire financial assistance or specific details of the applicant's operational budget.
- *Commitment to Mitigation (Fire Departments only–5 percent):* Fire Department applicants that can demonstrate their commitment and proactive posture to reducing fire risk will receive higher consideration. Applicants must explain their code adoption and enforcement (to include WUI and commercial/residential sprinkler code adoption and enforcement) and mitigation strategies (including whether or not the jurisdiction has a FEMA-approved mitigation strategy). Applicants can also demonstrate their commitment to reducing fire risk by applying to implement fire mitigation strategies (code adoption and enforcement) via the application.
- *Vulnerability Statement (Fire Departments–15 percent, Interest Organizations–25 percent):* The assessment of fire risk is essential in the development of an effective project goal, as well as meeting FEMA's goal to reduce risk by conducting a risk assessment as a basis for action. Vulnerability is a ''weak link'' demonstrating high risk behavior, living conditions or any type of high risk situation. The Vulnerability Statement should include a description of the steps taken to determine the vulnerability and identify the target audience. The methodology for determination of vulnerability (*e.g.,* how the vulnerability was found) should be discussed in-depth in the application's Narrative Statement.
  - The specific vulnerability that will be addressed with the proposed project can be established through a formal or informal risk assessment. FEMA encourages the use of local statistics, rather than national statistics, when discussing the vulnerability.
  - In a clear, to-the-point statement, the applicant should summarize the vulnerability the project will address, including who is at risk, what the risks are, where the risks are, and how the risks can be prevented, reduced, or mitigated.
  - For the purpose of the FY 2020 FP&S Grant Program NOFO, formal risk assessments consist of the use of software programs or recognized expert analysis that assess risk trends.
  - Informal risk assessments could include an in-house review of available data (*e.g.,* National Fire Incident Reporting System) to determine fire

loss, burn injuries, or loss of life over a period of time and the factors that are the cause and origin for each occurrence, including a lack of adoption and enforcement of certain codes.

• *Project Description (Fire Departments–20 percent, Interest Organizations–25 percent):* Applicants must have described in detail not only the project components but also how the proposed project addresses the identified capability gap, due to financial need and/or the vulnerabilities identified in the vulnerability statement. The following information should be included:

○ Project components.

○ Review of any existing programs or models that have been successful.

○ Detailed description of how the proposed project components fill the identified capability gap.

○ If working with Fire Service Partners/Organizations, identify each partner/organization and the role(s) they will fill in the successful completion of the proposed project.

• *Implementation Plan (Fire Departments-25 percent, Interest Organizations–30 percent):* Projects should provide details on the implementation plan, discussing the proposed project's goals and objectives. The following information should be included to support the implementation plan:

○ Goals and objectives.

○ Details regarding the methods and specific steps that will be used to achieve the goals and objectives.

○ Timelines outlining the chronological project steps (this is critical for determining the likeliness of the project's completion within the period of performance).

○ Where applicable, examples of marketing efforts to promote the project, who will deliver the project (*e.g.,* effective partnerships), and the manner in which materials or deliverables will be distributed.

○ Requests for props (*e.g.,* tools used in educational or awareness demonstrations), including specific goals, measurable results, and details on the frequency for which the prop will be utilized as part of the implementation plan. Applicants should include information describing the efforts that will be used to reach the high risk audience and/or the number of people reached through the proposed project (examples of props include safety trailers, puppets, or costumes).

• *Evaluation Plan (Fire Departments–15 percent, Interest Organizations–15 percent):* Projects should include a plan for evaluation of effectiveness and identify measurable goals. Applicants seeking to carry out awareness and educational projects, for example, should identify how they intend to determine that there has been an increase in knowledge about fire hazards, or measure a change in the safety behaviors of the audience. Applicants should demonstrate how they will measure risk at the outset of the project in comparison to how much the risk decreased after the project is finished. There are various ways to measure the knowledge gained about fire hazards, including the use of surveys, pre- and post-tests, or documented observations. Applicants are encouraged to attend training on evaluation methods, such as the National Fire Academy's ''Demonstrating Your Fire Prevention Program's Worth.'' In addition to a detailed evaluation plan as described above, if awarded, grant recipients are required to report on specific performance metrics through performance reports and at closeout.

• *Cost vs. Benefit (Fire Departments–10 percent, Interest Organizations–5 percent):* Projects will be evaluated and scored by the Peer Review panelists based on how well the applicant addresses the fire prevention needs of the department or organization in an economic and efficient manner. The applicant should show how it will maximize the level of funding that goes directly into the delivery of the project. The costs associated with the project also must be reasonable for the target audience that will be reached, and a description should be included of how the anticipated project benefit(s) (quantified if possible) outweighs the cost(s) of the requested item(s). The application should provide justification for all costs included in the project in order to assist the Technical Evaluation Panel with their review.

▪ *Meeting the needs of people with disabilities (additional consideration):* Applicants in the Community Risk Reduction category will receive additional consideration if, as part of their comprehensive smoke alarm installation and education program, they address the needs of people with disabilities (*e.g.,* deaf/hard-of-hearing) in their community.

▪ *Experience and Expertise (additional consideration):* Applicants that demonstrate their experience and ability to conduct fire prevention and safety activities, and to execute the proposed or similar project(s), will receive additional consideration.

**Evaluation Criteria—R&D Activity**

Funding decisions will be informed by an assessment of how well the application addresses the criteria and considerations listed below. All applications will be reviewed by a fire service expert panel using weighted evaluation criteria, and those projects deemed to be in the ''competitive range'' will then be reviewed by a science panel using weighted evaluation criteria to score the project. Science panel evaluations will impact the ranking of the project for funding.

*Fire Service Panel Evaluation Criteria*

• *Purpose (25 percent):* Applicants should clearly identify the benefits of the proposed research project to improve firefighter safety, health, or wellness, and identify specific gaps in knowledge that will be addressed.

• *Implementation by Fire Service (25 percent):* Applicants should discuss how the outcomes/products of this research, if successful, are likely to be widely/nationally adopted and accepted by the fire service as changes that enhance firefighter safety, health, or wellness.

• *Potential Impact (15 percent):* Applicants should discuss the potential impact of the research outcome/product on firefighter safety by quantifying the possible reduction in the number of fatal or non-fatal injuries, or on the projected wellness by significantly improving the overall health of firefighters.

• *Barriers (15 percent):* The applicant should identify and discuss potential fire service and other barriers to successfully complete the study on schedule, including contingencies and strategies to deal with barriers if they materialize. This may include barriers that could inhibit the proposed fire service participation in the study or the adoption of successful results by the fire service when the project is completed, or project components most likely to cause delay in successful completion.

• *Partners (20 percent):* Applicants should recognize that participation of the fire service as a partner in the research, from development to dissemination, is regarded as an essential part of all projects. Applicants should describe the fire service partners and contractors that will support the project to accomplish the objectives of the study. The specific roles and contributions of the partners should be described. Partnerships should be formed with national fire-related organizations, in addition to local and regional fire departments. Letters of support and letters of commitment to actively participate in the project should be included in the appendix of the application. Generally, participants of a diverse population, including both

career and volunteer firefighters, are expected to facilitate acceptance of results nationally. In cases where this is not practical, due to the nature of the study or other limitations, these circumstances should be clearly explained.

**Science Panel Evaluation Criteria**

• *Project Goals, Objectives, and Specific Aims (15 percent):* Applicants should address how the purpose, goals, objectives, and aims of the proposal will lead to results that will improve firefighter safety, health, or wellness. Applicants should describe the specific goals and objectives for each year of the project.

• *Literature Review (10 percent):* Applicants should provide a literature review that is relevant to the project's goals, objectives, and specific aims. The citations should be placed in the text of the Narrative Statement, with references listed at the end of the Narrative Statement (and not in the Appendix) of the application. The review should be in sufficient depth to make it clear that the proposed project is necessary, adds to an existing body of knowledge, is different from current and previous studies, and offers a unique contribution.

• *Project Methods (20 percent):* Applicants should provide a description of how the project will be carried out, including demonstration of the overall scientific and technical rigor and merit of the project. This includes the operations to accomplish the purpose, goals and objectives, and the specific aims of the project. Plans to recruit and retain human subjects, where applicable, should be described. Where human subjects are involved in the project, the applicant should describe plans for submission to the Institutional Review Board (for further guidance and requirements, see the FY 2020 FP&S Grant Program NOFO).

• *Project Measurements (20 percent):* Applicants should provide evidence of the technical rigor and merit of the project, such as data pertaining to validity, reliability, and sensitivity (where established) of the facilities, equipment, instruments, standards, and procedures that will be used to carry out the research. The applicant should discuss the data to be collected to evaluate the performance methods, technologies, and products proposed to enhance firefighter safety, health, or wellness. The applicant should demonstrate that the measurement methods and equipment selected for use are appropriate and sufficient to successfully deliver the proposed project objectives.

• *Project Analysis (20 percent):* The applicant should indicate the planned approach for analysis of the data obtained from measurements, questionnaires, or computations. The applicant should specify within the plan what will be analyzed, the statistical methods that will be used, the sequence of steps, and interactions as appropriate. It should be clear that the principal investigator and research team have the expertise to perform the planned analysis and defend the results in a peer review process.

• *Dissemination and Implementation (15 percent):* Applicants should indicate dissemination plans for scientific audiences (such as plans for submissions to specific peer review publications) and for firefighter audiences (such as websites, magazines, and conferences). Also, assuming positive results, the applicant should indicate future steps that would support dissemination and implementation throughout the fire service, where applicable. These steps are likely to be beyond the current study, so those features of the research activity that will facilitate future dissemination and implementation should be discussed. All applicants should specify how the results of the project, if successful, might be disseminated and implemented in the fire service to improve firefighter safety, health, or wellness. It is expected that successful R&D Activity Projects may give rise to future programs including FP&S Activity Projects.

• *Cost vs. Benefit (additional consideration):* Cost vs. benefit in this evaluation element refers to the costs of the grant for the research and development project as it relates to the benefits that are projected for firefighters who would have improved safety, health, or wellness. Applicants should demonstrate a high benefit for the cost incurred and effective utilization of Federal funds for research activities.

• *Financial Need (additional consideration):* In the Applicant Information section of the application, applicants should provide details on the need for Federal financial assistance to carry out the proposed project(s). Applicants may include a description of unsuccessful attempts to acquire financial assistance. Applicants should provide detail about the organization's operating budget, including a high-level breakdown of the budget; describe the department's inability to address financial needs without Federal assistance; and discuss other actions the department has taken to meet their staffing needs (*e.g.,* state assistance programs, other grant programs, etc.).

• *Mentoring (additional consideration for Early Career Investigator Projects only):* An important part of Early Career Investigator projects is the integration of mentoring for the principal investigator by experienced researchers in areas appropriate to the research project, including exposure to the fire service community as well as support for ongoing development of knowledge and skills. Mentoring is regarded as critical to the research skills development of early career principal investigators. As part of the application Appendix, the applicant should identify the mentor(s) who have agreed to support the applicant and the expected benefit of their interactions with the researcher. A biographical sketch and letter of support from the mentor(s) are encouraged and should be included in the Appendix materials.

**Other Selection Information**

Awards will be made using the results of peer-reviewed applications as the primary basis for decisions, regardless of activity. However, there are some exceptions to strictly using the peer review results. The applicant's prior AFG Program, Staffing for Adequate Fire and Emergency Response (SAFER) Program, and FP&S Grant Program grant management performance will also be taken into consideration when making recommendations for award. All final funding determinations will be made by the FEMA Administrator, or the Administrator's designee.

Fire departments and other eligible applicants that have received funding under the FP&S Grant Program in previous years are eligible to apply for funding in the current year. However, FEMA may take into account an applicant's performance on prior grants when making funding decisions on current applications.

Once every application in the competitive range has been through the technical evaluation phase, the applications will be ranked according to the average score awarded by the panel.

The ranking will be summarized in a Technical Report prepared by the AFG Program Office. A Grants Management Specialist will contact the applicant to discuss and/or negotiate the content of the application and *SAM.gov* registration before making final award decisions.

**Authority:** 15 U.S.C. 2229.

**Robert J. Fenton Jr.,**

*Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.*

[FR Doc. 2021–08089 Filed 4–19–21; 8:45 am]

**BILLING CODE 9111–78–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–6262–N–01]**

### Housing Trust Fund Federal Register Allocation Notice; Fiscal Year 2021

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice of Fiscal Year 2021 Funding Awards.

**SUMMARY:** The Housing and Economic Recovery Act of 2008 (HERA) established the Housing Trust Fund (HTF) to be administered by HUD. Pursuant to the Federal Housing Enterprises Financial Security and Soundness Act of 1992 (the Act), as amended by HERA, Division A, eligible HTF grantees are the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of Northern Mariana Islands, and the United States Virgin Islands. In accordance with Section 1338(c)(4)(A) of the Act, this notice announces the formula allocation amount for each eligible HTF grantee.

**FOR FURTHER INFORMATION CONTACT:** Virginia Sardone, Director, Office of Affordable Housing Programs, Room 7164, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410–7000; telephone (202) 708–2684. (This is not a toll-free number.) A telecommunications device for hearing- and speech-impaired persons (TTY) is available at 800–877–8339 (Federal Information Relay Service). (This is a toll-free number).

**SUPPLEMENTARY INFORMATION:** Section 1131 of HERA Division A amended the Act to add a new section 1337 entitled ''Affordable Housing Allocations'' and a new section 1338 entitled ''Housing Trust Fund.'' HUD's implementing regulations are codified at 24 CFR part 93. Congress authorized the HTF with the stated purpose of: (1) Increasing and preserving the supply of rental housing for extremely low-income families with incomes between 0 and 30 percent of area median income and very low-income families with incomes between 30 and 50 percent of area median income, including homeless families, and (2) increasing homeownership for extremely low-income and very low-income families. Section 1337 of the Act provides for the HTF (and other programs) to be funded with an affordable housing set-aside by Fannie Mae and Freddie Mac. The total set-aside amount is equal to 4.2 basis points (.042 percent) of Fannie Mae and Freddie Mac's new mortgage purchases, a portion of which is for the HTF. Section 1338 of the Act directs HUD to establish, through regulation, the formula for distribution of amounts made available for the HTF. The statute specifies the factors to be used for the formula and priority for certain factors. The factors and methodology HUD uses to allocate HTF funds among eligible grantees are established in the HTF regulation. The funding announced for Fiscal Year 2021 through this notice is $692,898,860.92. Appendix A to this notice provides the names of the grantees and the amounts of the awards.

Principal Deputy Assistant Secretary (PDAS) for the Office of Community Planning and Development, James A. Jemison, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Aaron Santa Anna, who is the Federal Register Liaison for HUD, for purposes of publication in the **Federal Register**.

**Aaron Santa Anna,**

*Federal Register Liaison for the Department of Housing and Urban Development.*

### Appendix A: FY 2021 Housing Trust Fund Allocation Amounts

| | Grantee | FY 2021 allocation |
|---|---|---|
| 1 | Alabama | $6,690,654 |
| 2 | Alaska | 3,101,884 |
| 3 | Arizona | 11,477,467 |
| 4 | Arkansas | 4,123,109 |
| 5 | California | 126,579,066.92 |
| 6 | Colorado | 10,030,779 |
| 7 | Connecticut | 8,448,637 |
| 8 | Delaware | 3,101,884 |
| 9 | District of Columbia | 3,101,884 |
| 10 | Florida | 35,072,600 |
| 11 | Georgia | 17,459,897 |
| 12 | Hawaii | 3,480,969 |
| 13 | Idaho | 3,101,884 |
| 14 | Illinois | 30,702,615 |
| 15 | Indiana | 10,674,428 |
| 16 | Iowa | 4,363,876 |
| 17 | Kansas | 4,207,374 |
| 18 | Kentucky | 6,716,410 |
| 19 | Louisiana | 8,124,196 |
| 20 | Maine | 3,101,884 |
| 21 | Maryland | 9,975,009 |
| 22 | Massachusetts | 16,987,942 |
| 23 | Michigan | 17,158,160 |
| 24 | Minnesota | 9,252,948 |
| 25 | Mississippi | 4,012,018 |
| 26 | Missouri | 10,536,095 |
| 27 | Montana | 3,101,884 |
| 28 | Nebraska | 3,101,884 |
| 29 | Nevada | 6,754,852 |
| 30 | New Hampshire | 3,101,884 |
| 31 | New Jersey | 24,354,671 |
| 32 | New Mexico | 3,186,129 |
| 33 | New York | 73,383,641 |
| 34 | North Carolina | 17,493,694 |
| 35 | North Dakota | 3,101,884 |
| 36 | Ohio | 21,186,076 |
| 37 | Oklahoma | 5,251,581 |
| 38 | Oregon | 9,816,938 |
| 39 | Pennsylvania | 24,134,348 |
| 40 | Rhode Island | 3,101,884 |
| 41 | South Carolina | 7,756,516 |
| 42 | South Dakota | 3,101,884 |
| 43 | Tennessee | 9,736,855 |
| 44 | Texas | 41,750,738 |
| 45 | Utah | 3,268,898 |
| 46 | Vermont | 3,101,884 |
| 47 | Virginia | 14,340,031 |
| 48 | Washington | 15,685,029 |
| 49 | West Virginia | 3,101,884 |
| 50 | Wisconsin | 11,159,627 |
| 51 | Wyoming | 3,101,884 |
| 52 | Puerto Rico | 3,202,552 |
| 53 | America Samoa | 42,047 |
| 54 | Guam | 340,124 |
| 55 | Northern Marianas | 187,243 |
| 56 | Virgin Islands | 366,645 |
| | Total | $692,898,860.92 |

[FR Doc. 2021–08022 Filed 4–19–21; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF THE INTERIOR

### Geological Survey

**[GX21DK20H2S0000; OMB Control Number 1028–0114]**

### Agency Information Collection Activities; National Ground-Water Monitoring Network Cooperative Funding Application

**AGENCY:** U.S. Geological Survey, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before June 21, 2021.

**ADDRESSES:** Send your comments on this information collection request (ICR) by mail to U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov*. Please reference OMB Control Number 1028–0114 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Daryll Pope by email at *dpope@usgs.gov,* or by telephone at (804) 261–2630.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use 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 can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* The USGS administers the National Ground-Water Monitoring Network which was developed through work with the Federal Advisory Committee on Water Information (ACWI) and its Subcommittee on Ground Water (SOGW). This network is required as part of Public Law 111–11, Subtitle F—Secure Water: Section 9507, 42 U.S.C. 10367, ''Water Data Enhancement by United States Geological Survey.'' The NGWMN consists of an aggregation of wells and spring from existing Federal, State, Tribal, and local groundwater monitoring networks. To support data providers for the NGWMN, the USGS will be providing funding through cooperative agreements to water-resource agencies that collect groundwater data. The USGS will be soliciting applications for funding that will request information from the Agency collecting the data. Elements will include contact information (phone number and email address), and a proposal describing their proposed work in support of the NGWMN. The proposal will describe the groundwater networks to be included in the NGWMN, the purpose of the networks, and the Principal aquifers that are monitored. Proposals may include work to become a new data provider to the NGWMN, support for maintaining connections to agency databases, and work to enhance NGWMN sites (updating metadata, well maintenance, well drilling, and support for continuous water-level monitoring equipment). The proposal would require estimates of costs to complete the above tasks and a timeline for planned completion. The proposal will be reviewed by the USGS and the NGWMN Program Board who will make funding recommendations.

*Title of Collection:* National Ground-Water Monitoring Network Cooperative Funding Application.

*OMB Control Number:* 1028–0114.

*Form Number:* None.

*Type of Review:* Renewal of a currently approved collection.

*Respondents/Affected Public:* Multi-state, state or local water-resources agencies who operate groundwater monitoring networks.

*Total Estimated Number of Annual Respondents:* 30.

*Total Estimated Number of Annual Responses:* 30.

*Estimated Completion Time per Response:* 40 hours.

*Total Estimated Number of Annual Burden Hours:* 1,200 hours.

*Respondent's Obligation:* Mandatory to be considered for funding.

*Frequency of Collection:* Annually.

*Total Estimated Annual Nonhour Burden Cost:* None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

**Janice Fulford,**

*Director, WMA Observing Systems Division.*

[FR Doc. 2021–08020 Filed 4–19–21; 8:45 am]

**BILLING CODE 4338–11–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

**[212A2100DD/AAKC001030/A0A501010.999253G; OMB Control Number 1076–0135]**

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Reporting Systems for Public Law 102–477 Demonstration Project

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before May 20, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the Bureau of Indian Affairs, Office of Indian Services, Division of Workforce Development, 1001 Indian School Rd. NW, Unit 225D, Albuquerque, New Mexico 87104; or by email to *BIA_477Program@bia.gov.* Please reference OMB Control Number 1076–0135 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Anthony Riley by email at *anthony.riley@bia.gov,* or by telephone at (505) 563–3745. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting

comments on this collection of information was published October 21, 2020 (85 FR 67009). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility; (2) the accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) how might BIA minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. 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 can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* The BIA—Indian Services is seeking renewal for the information collection Reporting System for Public Law 102–477 Demonstration Project. This information allows the Division of Workforce Development (DWD), which reports to the BIA—Indian Services, to document satisfactory compliance with statutory, regulatory, and other requirements of the various integrated programs. Public Law 102–477 authorized tribal governments to integrate federally funded employment, training, and related services and programs into a single, coordinated, comprehensive service delivery plan. Funding agencies include the Department of Labor and the Department of Health and Human Services. BIA is statutorily required to serve as the lead agency and provides a single, universal report format for use by tribal governments to report on integrated activities and expenditures. The DWD shares the information collected from these reports with the Department of Labor and the Department of Health and Human Services.

This renewal will be revised to includes information collected under 25 CFR part 26 to administer the job placement and training program, through Tribes, which provides vocational/technical training, related counseling, guidance, and job placement services, and limited financial assistance to Indian individuals who are not less than 18 years old and who reside within the Department of the Interior (DOI) approved service areas. Public Law 102–477 allows tribes to consolidate into a single plan, single budget and single report to one office programs they currently have under contract or grant. The job placement and training program has been included in these 477 plans. Since Tribes determine which programs will be included, the plans vary from Tribe to Tribe. Submission of this information allows DOI, through Tribes, to administer the job placement and training program, which provides vocational/technical training, related counseling, guidance, job placement services, and limited financial assistance to Indian individuals who are not less than 18 years old and who reside within DOI-approved service areas.

*Title of Collection:* Reporting System for Public Law 102–477 Demonstration Project.

*OMB Control Number:* 1076–0135.

*Form Number:* BIA–8205.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Indian tribes participating in Public Law 102–477 and individuals.

*Total Estimated Number of Annual Respondents:* 258.

*Total Estimated Number of Annual Responses:* 258.

*Estimated Completion Time per Response:* Varies from half an hour to six hours.

*Total Estimated Number of Annual Burden Hours:* 1,017.

*Respondent's Obligation:* Required to Obtain a Benefit.

*Frequency of Collection:* Once annually for the reporting, and once annually for the job placement and training application.

*Total Estimated Annual Nonhour Burden Cost:* $355.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Elizabeth K. Appel,**

*Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.*

[FR Doc. 2021–08116 Filed 4–19–21; 8:45 am]

BILLING CODE 4337–15–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[L14400000 PN0000 HQ350000 212; OMB Control No. 1004–0004]**

### Agency Information Collection Activities; Desert Land Entry Application

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Information Collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) proposes to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before June 21, 2021.

**ADDRESSES:** Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to *BLM_HQ_PRA_Comments@blm.gov.* Please reference Office of Management and Budget (OMB) Control Number 1004–0004 in the subject line of your comments. Please note that due to COVID–19, the electronic submission of comments is recommended.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Susie Greenhalgh by email at *Lgreenhalgh@blm.gov* or by telephone at 202–302–4288. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval

under the PRA. The BLM may not conduct or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. 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 can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* The BLM uses the information to determine if an individual is eligible to make a desert land entry for agricultural purposes. The BLM will be requesting that OMB renew this collection of information for an additional three years.

*Title of Collection:* Desert Land Entry Application (43 CFR part 2520).

*OMB Control Number:* 1004–0004.

*Form Number:* 2520–1.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Individuals who wish to make a desert land entry for agricultural purposes.

*Total Estimated Number of Annual Respondents:* 3.

*Total Estimated Number of Annual Responses:* 3.

*Estimated Completion Time per Response:* 2 hours.

*Total Estimated Number of Annual Burden Hours:* 6.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* On occasion.

*Total Estimated Annual Nonhour Burden Cost:* $45.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Darrin A. King,**

*Information Collection Clearance Officer.*

[FR Doc. 2021–08103 Filed 4–19–21; 8:45 am]

**BILLING CODE 4310–84–P**

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

**[S1D1S SS08011000 SX064A000 211S180110; S2D2S SS08011000 SX064A000 21XS501520; OMB Control Number 1029–0112]**

### Agency Information Collection Activities; Requirements for Coal Exploration

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of Information Collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before May 20, 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. Please provide a copy of your comments to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240, or by email to *mgehlhar@osmre.gov.* Please reference OMB Control Number 1029–0112 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at (202) 208–2716. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on January 15, 2021 (86 FR 4124). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of

public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* OSMRE and State regulatory authorities use the information collected under 30 CFR part 772 to keep track of coal exploration activities, evaluate the need for an exploration permit, and ensure that exploration activities comply with the environmental protection and reclamation requirements of 30 CFR parts 772 and 815, and section 512 of SMCRA (30 U.S.C. 1262).

*Title of Collection:* Requirements for coal exploration.

*OMB Control Number:* 1029–0112.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Businesses and State governments.

*Total Estimated Number of Annual Respondents:* 324.

*Total Estimated Number of Annual Responses:* 550.

*Estimated Completion Time per Response:* Varies from 30 minutes to 70 hours, depending on activity.

*Total Estimated Number of Annual Burden Hours:* 1,697.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* One time.

*Total Estimated Annual Nonhour Burden Cost:* $288.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Mark J. Gehlhar,**

*Information Collection Clearance Officer, Division of Regulatory Support.*

[FR Doc. 2021–08102 Filed 4–19–21; 8:45 am]

BILLING CODE 4310–05–P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

**[S1D1S SS08011000 SX064A000 211S180110; S2D2S SS08011000 SX064A000 21XS501520; OMB Control Number 1029–0040]**

### Agency Information Collection Activities; Requirements for Permits for Special Categories of Mining

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of Information Collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before May 20, 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. Please provide a copy of your comments to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240, or by email to *mgehlhar@osmre.gov.* Please reference OMB Control Number 1029–0040 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at (202) 208–2716. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on January 15, 2021 (86 FR 4123). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* The information is being collected to meet the requirements of sections 507, 508, 510,515, 701 and 711 of Public Law 95–87, which require applicants for special types of mining activities to provide descriptions, maps, plans and data of the proposed activity. This information will be used by the regulatory authority in determining if the applicant can meet the applicable performance standards for the special type of mining activity.

*Title of Collection:* Requirements for Permits for Special Categories of Mining. *OMB Control Number:* 1029–0040.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Businesses and State governments.

*Total Estimated Number of Annual Respondents:* 68.

*Total Estimated Number of Annual Responses:* 88.

*Estimated Completion Time per Response:* Varies from 10 hours to 1,000 hours, depending on activity.

*Total Estimated Number of Annual Burden Hours:* 5,275.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* One time.

*Total Estimated Annual Nonhour Burden Cost:* $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Mark J. Gehlhar,**

*Information Collection Clearance Officer, Division of Regulatory Support.*

[FR Doc. 2021–08099 Filed 4–19–21; 8:45 am]

**BILLING CODE 4310–05–P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

**[S1D1S SS08011000 SX064A000 211S180110; S2D2S SS08011000 SX064A000 21XS501520; OMB Control Number 1029–0047]**

### Agency Information Collection Activities; Permanent Program Performance Standards—Surface and Underground Mining Activities

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of Information Collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE) are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before May 20, 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. Please provide a copy of your comments to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240; or by email to *mgehlhar@osmre.gov.* Please reference OMB Control Number 1029–0047 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at (202) 208–2716. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

**SUPPLEMENTARY INFORMATION:** In accordance with the PRA and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on October 15, 2020 (85 FR 65422). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* Sections 515 and 516 of the Surface Mining Control and Reclamation Act of 1977 provide that permittees conducting coal mining operations shall meet all applicable performance standards of the Act. The information collected is used by the regulatory authority to monitor and inspect surface coal mining activities to ensure that they are conducted in compliance with the requirements of the Act.

*Title of Collection:* Permanent Program Performance Standards—Surface and Underground Mining Activities.

*OMB Control Number:* 1029–0047.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Businesses and State governments.

*Total Estimated Number of Annual Respondents:* 524.

*Total Estimated Number of Annual Responses:* 367,712.

*Estimated Completion Time per Response:* Varies from 1.5 hours to 240 hours, depending on activity.

*Total Estimated Number of Annual Burden Hours:* 1,662,067.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* Annually.

*Total Estimated Annual Nonhour Burden Cost:* $24,376,631.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Mark J. Gehlhar,**

*Information Collection Clearance Officer, Division of Regulatory Support.*

[FR Doc. 2021–08101 Filed 4–19–21; 8:45 am]

**BILLING CODE 4310–05–P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Countering Weapons of Mass Destruction

Notice is hereby given that, on March 26, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Countering Weapons of Mass Destruction Consortium (''CWMD'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Applied Technology, Inc., King George, VA; CDO Technologies, Inc., Dayton, MD; Kestrel Corporation, Albuquerque, NM; Marcon Engineering, Inc., Escondido, CA; Matsys, Inc., Sterling, VA; MZA Associates Corporation, Albuquerque, NM; OptoKnowledge, Torrance, CA; Rensselaer Polytechnic Institute, Troy, NY and SafetySpect, Inc., Los Angeles, CA have been added as parties to this venture.

Also, California Institute of Technology, Pasadena, CA; Defense Equipment Company, Alpharetta, GA; Efiia Consulting LLC, Falls Church, VA; HII Mission Driven Innovative Solutions, Huntsville, AL; Immersive Wisdom, Inc., Boca Raton, FL; Mobilestack, Inc., Dublin, CA; Newton Services LLC; Cody, WY and TRX Systems, Inc., Greenbelt, MD have withdrawn from this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CWMD intends to file additional written notifications disclosing all changes in membership.

On January 31, 2018, CWMD filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 12, 2018 (83 FR 10750).

The last notification was filed with the Department on January 7, 2021. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 19, 2021 (86 FR 5250).

**Suzanne Morris,**

*Chief, Premerger and Division Statistics, Antitrust Division.*

[FR Doc. 2021–08077 Filed 4–19–21; 8:45 am]

BILLING CODE P

## DEPARTMENT OF JUSTICE

### Antitrust Division

### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Medical CBRN Defense Consortium

Notice is hereby given that, on March 29, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Medical CBRN Defense Consortium (''MCDC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, AAG Associates LLC, Pocasset, MA; Arrevus, Inc., Raleigh, NC; Chemring Sensors & Electronic Systems, Inc., Charlotte, NC; Federal Resources Supply Company, Stevensville, MD; Genovac Antibody Discovery, Fargo, ND; Hager Biosciences LLC, Bethlehem, PA; Healion Bio, Inc., Ijamsville, MD; Immunome, Inc., Exton, PA; Invenra, Inc., Madison, WI; Optoknowledge, Torrance, CA; Sanaria, Inc., Rockville, MD; Tao Treasures dba Nanobiofab, Frederick, MD; TFF Pharmaceuticals, Inc., Austin, TX; The University of Nebraska at Omaha, Omaha, NE; The University of California Los Angeles, Los Angeles, CA and Tiber Creek Partners LLC, Oakton, VA have been added as parties to this venture.

Also, Abiogenix, Inc., Rochester, MI; Blade Therapeutics, Inc., South San Francisco, CA; South San Francisco, CA; Bluejay Diagnostics, Inc., Acton, MA; Claremont Biosolutions LLC, Upland, CA; Decisive Point LLC, Alexandria, VA; Efiia Consulting LLC, Falls Church, VA; Equillium, Inc., La Jolla, CA; GenScript USA, Inc.; LDS Technology Consultants, Inc., Warwick, PA; Lillian Bay Holdings LLC, Saint Petersburg, FL; Massachusetts Eye and Ear Infirmary, Boston, MA; PhaseBio Pharmaceuticals, Inc., Malvern, PA; Planet Biotechnology, Inc., Hayward, CA; Shift Labs, Inc., Seattle, WA; The University of California San Diego, La Jolla, CA; ThermoAnalytics, Inc., Calumet, MI and United National Native Council, Payson, AZ have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MCDC intends to file additional written notifications disclosing all changes in membership.

On November 13, 2015, MCDC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 6, 2016 (81 FR 513).

The last notification was filed with the Department on January 08, 2021. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 19, 2021 (86 FR 5250).

**Suzanne Morris,**

*Chief, Premerger and Division Statistics, Antitrust Division.*

[FR Doc. 2021–08078 Filed 4–19–21; 8:45 am]

BILLING CODE P

## DEPARTMENT OF JUSTICE

### Antitrust Division

### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Digital Manufacturing Design Innovation Institute

Notice is hereby given that, on March 31, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Digital Manufacturing Design Innovation Institute (''DMDII'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following parties have joined DMDII:

Rich Brilliant Willing, Brooklyn, NY; University of North Carolina—Charlotte, Charlotte, NC; Cook County Government, Chicago, IL; The University of West Florida, Pensacola, FL; University of Pittsburgh, Pittsburgh, PA; Factory Scene, Pittsburgh, PA; Pashi, San Francisco, CA; 6clicks, Washington, DC; MPDV USA, Inc., Orland Park, IL; BreakPoint Labs, Falls Church, VA; The Intelligence Factory, Kirkwood, MO; SVA Illinois, Chicago,

IL; Automation Workz, Detroit, MI; University of Tennessee—Knoxville, Knoxville, TN; Lynx Software Technologies, Inc., San Jose, CA; Gardner Spring, Tulsa, OK.

The following parties are no longer part of DMDII: Simio, Sewickley, PA; DevBridge, Chicago, IL.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DMDII intends to file additional written notifications disclosing all changes in membership.

On January 5, 2016, DMDII filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 9, 2016 (81 FR 12525).

The last notification was filed with the Department on December 18, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 8, 2021 (86 FR 1526).

**Suzanne Morris,**

*Chief, Premerger and Division Statistics, Antitrust Division.*

[FR Doc. 2021–08079 Filed 4–19–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

### Notice Pursuant to the National Cooperative Research and Production Act of 1993—ODVA, Inc.

Notice is hereby given that, on April 6, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ODVA, Inc. (''ODVA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, MARS TOHKEN SOLUTION CO. LTD., Tokyo, JAPAN; Dunkermotoren GmbH, Bonndorf, GERMANY; Comau S.p.A., Grugliasco, Torino, ITALY; Dinkle Enterprise Co. Ltd., New Taipei City, TAIWAN; MIDAS TECHNOLOGY Co., Ltd., Gyeonggi-do, SOUTH KOREA; Rosenberger Hochfrequenztechnik GmbH & Co. KG, Fridolfing, GERMANY; and Cogniac Corporation, San Jose, CA, have been added as parties to this venture.

Also, FAS Electronics (Fujian) Co., Ltd., Fuzhou, Fujian, PEOPLE'S REPUBLIC OF CHINA; YUCHANGTECH, Suwon-si, Gyeonggi-do, SOUTH KOREA; Pepperl+Fuchs Control, Inc., New Brighton, MN; Toyo Denki Seizo KK, Chuou-ku, Tokyo, JAPAN; Hydronix Limited, Normandy, Surrey, UNITED KINGDOM; Dynapar Corporation, Gurnee, IL; Chun IL Electric Ind. Co., Sasang-Gu, Busan City, SOUTH KOREA; Industrial Network Controls, LLC, Coopersburg, PA; Bionics Instrument Co., Ltd., Tokyo, JAPAN; and Tri-Tronics Co., Inc., Tampa, FL, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ODVA intends to file additional written notifications disclosing all changes in membership.

On June 21, 1995, ODVA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 15, 1996 (61 FR 6039).

The last notification was filed with the Department on January 14, 2021. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 28, 2021 (86 FR 7416).

**Suzanne Morris,**

*Chief, Premerger and Division Statistics, Antitrust Division.*

[FR Doc. 2021–08080 Filed 4–19–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Particle Sensor Performance and Durability (''PSPD–II'')

Notice is hereby given that, on March 12, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Particle Sensor Performance and Durability (''PSPD–II'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Continental Automotive Systems, Inc., Deer Park, IL; NGK Spark Plug Co., Ltd., Nagota, JAPAN; Stoneridge, Warren, OH; and Tenneco Automotive Operating Company Inc., Jackson, MI, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PSPD–II intends to file additional written notifications disclosing all changes in membership.

On March 15, 2017, PSPD–II filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 14, 2017 (82 FR 18012).

The last notification was filed with the Department on February 10, 2021. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 10, 2021 (86 FR 13734).

**Suzanne Morris,**

*Chief, Premerger and Division Statistics, Antitrust Division.*

[FR Doc. 2021–08072 Filed 4–19–21; 8:45 am]

**BILLING CODE P**

## NATIONAL CREDIT UNION ADMINISTRATION

### Sunshine Act Meetings

**TIME AND DATE:** 10:00 a.m., Thursday, April 22, 2021.

**PLACE:** Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage (*www.ncua.gov*) and access the provided webcast link.

**STATUS:** This meeting will be open to the public.

**MATTERS TO BE CONSIDERED:**

1. Board Briefing, Cybersecurity Update.

2. Board Briefing, NCUA Rules and Regulations, Capital Adequacy; Prompt Corrective Action.

**CONTACT PERSON FOR MORE INFORMATION:** Melane Conyers-Ausbrooks, Secretary of the Board, Telephone: 703–518–6304.

**Melane Conyers-Ausbrooks,**

*Secretary of the Board.*

[FR Doc. 2021–08174 Filed 4–16–21; 11:15 am]

**BILLING CODE 7535–01–P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

### Submission for OMB Review, Comment Request, Proposed Collection: 2022–2024 IMLS National Leadership Grants for Libraries/Laura Bush 21st Century Librarian Program Notice of Funding Opportunity

**AGENCY:** Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

**ACTION:** Submission for OMB Review, comment request.

**SUMMARY:** The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this Notice is to solicit comments about this assessment process, instructions, and data collections. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before May 17, 2021.

OMB is particular interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- 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).

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this Notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Institute of Museum and Library Services'' under ''Currently Under Review;'' then check ''Only Show ICR for Public Comment'' checkbox. Once you have found this information collection request, select ''Comment,'' and enter or upload your comment and information. Alternatively, please mail your written comments to Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, or call (202) 395–7316.

**FOR FURTHER INFORMATION CONTACT:** Anthony D. Smith, Associate Deputy Director, Office of Library Services Discretionary Programs, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Mr. Smith can be reached by telephone at 202–653–4716, or by email at *asmith@imls.gov.* Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. Persons who are deaf or hard of hearing (TTY users) can contact IMLS via Federal Relay at 800–877–8339.

**SUPPLEMENTARY INFORMATION:** The Institute of Museum and Library Services (IMLS) is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to transform the lives of individuals and communities. To learn more, visit *www.imls.gov.*

*Current Actions:* This action is to renew the forms and instructions for the Notice of Funding Opportunities for the next three years. The 60-Day Notice was published in the **Federal Register** on January 8, 2021 (86 FR 1535). One comment was received.

*Agency:* Institute of Museum and Library Services.

*Title of Collection:* 2022–2024 IMLS National Leadership Grants for Libraries/Laura Bush 21st Century Librarian Program Notice of Funding Opportunity.

*OMB Control Number:* 3137–0091.

*Agency Number:* 3137.

*Affected Public:* Library organization applicants.

*Total Estimated Number of Annual Responses:* 648.

*Frequency of Response:* Twice per year.

*Average Hours per Response:* 32.5.

*Total Estimated Number of Annual Burden Hours:* 15,756.

*Total Annual Cost Burden:* $481,503.36.

*Total Annual Federal Costs:* $75,710.60.

Dated: April 14, 2021.

**Kim Miller,**

*Senior Grants Management Specialist, Institute of Museum and Library Services.*

[FR Doc. 2021–08023 Filed 4–19–21; 8:45 am]

BILLING CODE 7036–01–P

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–244; NRC–2021–0075]**

### Exelon Generation Company LLC, R.E. Ginna Nuclear Power Plant

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to a September 11, 2020, request from Exelon Generation Company, LLC (Exelon), to allow Exelon to submit a subsequent license renewal application for R.E. Ginna Nuclear Power Plant, at least 3 years prior to the expiration of the existing license and, if it is found sufficient, still receive timely renewal protection.

**DATES:** The exemption was issued on April 14, 2021.

**ADDRESSES:** Please refer to Docket ID NRC–2021–0075 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0075. 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.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** V. Sreenivas, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2597, email: *V.Sreenivas@nrc.gov.*

**SUPPLEMENTARY INFORMATION:** The text of the exemption is attached.

Dated: April 14, 2021.

For the Nuclear Regulatory Commission.

**Venkataiah Sreenivas,**

*Project Manager, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

**Attachment—Exemption**

**NUCLEAR REGULATORY COMMISSION**

**Docket No. 50–244**

**Exelon Generation Company, LLC**

**R.E. Ginna Nuclear Power Plant**

**Exemption**

**I. Background**

Exelon Generation Company, LLC (Exelon, the licensee), is the holder of the Renewed Facility Operating License No. DPR–18 which authorizes operation of the R.E. Ginna Nuclear Power Plant (Ginna), a pressurized-water reactor located on the southern shore of Lake Ontario, in the town of Ontario, Wayne County, New York. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, Commission) now or hereafter in effect. The current operating license for Ginna expires on September 18, 2029.

By letter dated September 11, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20255A001), Exelon requested an exemption that would allow submittal of a subsequent license renewal application (SLRA) for Ginna at least 3 years prior to the expiration of the existing license and, if the NRC finds the application sufficient for docketing, to still receive timely renewal protection under title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.109(b). Pursuant to 10 CFR 2.109(b), the NRC provides timely renewal protection to licensees that submit a sufficient license renewal application at least 5 years before the expiration of the existing license.

**II. Request/Action**

Under 10 CFR 54.17(a), the NRC requires that the filing of an application for a renewed license be in accordance with, among other regulations, 10 CFR 2.109(b). In turn, 10 CFR 2.109(b) states, ''If the licensee of a nuclear power plant licensed under 10 CFR 50.21(b) or 50.22 files a sufficient application for renewal of either an operating license or a combined license at least 5 years before the expiration of the existing license, the existing license will not be deemed to have expired until the application has been finally determined.'' In its letter dated September 11, 2020, Exelon requested an exemption from 10 CFR 54.17(a) to allow Exelon to submit its SLRA for Ginna at least 3 years prior to the expiration of the existing license and still receive timely renewal protection under 10 CFR 2.109(b).

**III. Discussion**

Under 10 CFR 54.15, exemptions from the requirements of Part 54 are governed by 10 CFR 50.12. Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) special circumstances are present, as defined in 10 CFR 50.12(a)(2). In its application, Exelon stated that three special circumstances apply to its request. The three special circumstances that Exelon included in its request are:

(1) The special circumstance in 10 CFR 50.12(a)(2)(ii) states, ''[a]pplication of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule

(2) The special circumstance in 10 CFR 50.12(a)(2)(iii) states, ''[c]ompliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated

(3) The special circumstance in 10 CFR 50.12(a)(2)(vi) states, ''[t]here is present other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption.''

*A. The Exemption Is Authorized by Law*

This exemption would allow Exelon to submit a sufficient SLRA for Ginna at least 3 years prior to the expiration of its existing license and still receive timely renewal protection under 10 CFR 2.109(b). Section 2.109 implements Section 9(b) of the Administrative Procedure Act (APA), 5 U.S.C. 558(c), which states:

> When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

The 5-year time period specified in 10 CFR 2.109 is the result of a discretionary agency rulemaking under Sections 161 and 181 of the Atomic Energy Act of 1954, as amended, and not required by the APA. As stated above, 10 CFR 54.17(a) requires that the filing of an application for a renewed license be in accordance with, among other regulations, 10 CFR 2.109(b). In addition, 10 CFR 54.15 allows the NRC to grant exemptions from the requirements of 10 CFR part 54. The NRC has determined that granting this exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, the APA, or the NRC's regulations. Therefore, the exemption is authorized by law.

*B. The Exemption Presents No Undue Risk to Public Health and Safety*

The requested exemption to allow a 3-year time period, rather than the 5 years specified in 10 CFR 2.109(b), for Exelon to submit a sufficient SLRA and receive timely renewal protection is a scheduling change. The action does not change the manner in which the plant operates and maintains public health and safety because no additional changes are made as a result of the action. The NRC expects that a period of 3 years provides sufficient time for the NRC to perform a full and adequate safety and environmental review, and for the completion of the hearing process. Pending final action on the SLRA, the NRC will continue to conduct all regulatory activities associated with licensing, inspection, and oversight, and will take whatever action may be necessary to ensure adequate protection of the public health and safety. The existence of this exemption does not

affect NRC's authority, applicable to all licenses, to modify, suspend, or revoke a license for cause, such as a serious safety concern. Based on the above, the NRC finds that the action does not cause undue risk to public health and safety.

*C. The Exemption Is Consistent With the Common Defense and Security*

The requested exemption to allow for a timely renewal protection deadline of at least 3 years instead of 5 years is a scheduling change. The exemption does not change any site security matters. Therefore, the NRC finds that the action is consistent with the common defense and security.

*D. Special Circumstances*

The purpose of 10 CFR 2.109(b), as it is applied to nuclear power reactors licensed by the NRC, is to implement the ''timely renewal'' provision of Section 9(b) of the APA, 5 U.S.C. 558(c), which states:

> When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

The underlying purpose of this ''timely renewal'' provision in the APA is to protect a licensee who is engaged in an ongoing licensed activity and who has complied with agency rules in applying for a renewed or new license from facing license expiration as the result of delays in the administrative process.

On December 13, 1991, the NRC published the final license renewal rule, 10 CFR part 54, with associated changes to 10 CFR parts 2, 50, and 140, in the **Federal Register** (56 FR 64943). The statement of considerations discussed the basis for establishing the latest date for filing license renewal applications and the timely renewal doctrine (56 FR 64962). The statement of considerations stated that:

> Because the review of a renewal application will involve a review of many complex technical issues, the NRC estimates that the technical review would take approximately 2 years. Any necessary hearing could likely add an additional year or more. Therefore, in the proposed rule, the Commission modified § 2.109 to require that nuclear power plant operating license renewal applications be submitted at least 3 years prior to their expiration in order to take advantage of the timely renewal doctrine.
>
> No specific comment was received concerning the proposal to add a 3-year provision for the timely renewal provision for license renewal. The current regulations require licensees to submit decommissioning plans and related financial assurance information on or about 5 years prior to the expiration of their operating licenses. The Commission has concluded that, for consistency, the deadline for submittal of a license renewal application should be 5 years prior to the expiration of the current operating license. The timely renewal provisions of § 2.109 now reflect the decision that a 5-year time limit is more appropriate.

Thus, the NRC originally estimated that 3 years was needed to review a renewal application and to complete any hearing that might be held on the application. The NRC changed its original deadline from 3 years to 5 years to have consistent deadlines for when licensees must submit their decommissioning plans and related financial assurance information and when they must submit their license renewal application to receive timely renewal protection.

Application of the 5-year period in 10 CFR 2.109(b) is not necessary to achieve the underlying purpose of the timely renewal provision in the regulation if Exelon files a sufficient Ginna SLRA at least 3 years prior to expiration of the license. The NRC's current schedule for review of SLRAs is to complete its review and make a decision on issuing the renewed license within 18 months of receipt if there is no hearing. If a hearing is held, the NRC's model schedule anticipates completion of the NRC's review and of the hearing process, and issuance of a decision on the license renewal application within 30 months of receipt.

However, it is recognized that the estimate of 30 months for completion of a contested hearing is subject to variation in any given proceeding. A period of 3 years (36 months), nevertheless, is expected to provide sufficient time for performance of a full and adequate safety and environmental review, and completion of the hearing process. Meeting this schedule is based on a complete and sufficient application being submitted and on the review being completed in accordance with the NRC's established license renewal review schedule.

Based on the above, the NRC finds that the special circumstance of 10 CFR 50 12(a)(2)(ii) is present in the particular circumstance of Ginna.

In addition, the NRC finds that the special circumstance of 10 CFR 50.12(a)(2)(iii) is present in the circumstances of Ginna. Compliance with § 2.109(b) would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted. In its application, Exelon stated that the decision to continue power operation at Ginna depended on economic and legislative factors that evolved in a way that did not permit the preparation and submission of an SLRA 5 years prior to the license expiration date. Exelon further stated that if the exemption is not granted, and it submits its SLRA less than 5 years before license expiration, then Exelon would face the risk of being forced to shut down if the application is not approved before the current license expires. The impact of changes in economic and legislative conditions on licensees' decisions to pursue license renewal was not a factor considered at the time the timely renewal rule was issued. The NRC therefore finds that the special circumstance of 10 CFR 50.12(a)(2)(iii) also is present. Because the NRC staff finds that special circumstances exist under 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(iii), the NRC staff did not consider whether special circumstances also exist under 10 CFR 50.12(a)(2)(vi), as presented by Exelon in its exemption request.

*E. Environmental Considerations*

The NRC has determined that the issuance of the requested exemption meets the provisions of categorical exclusion 10 CFR 51.22(c)(25)(vi)(G). Under 10 CFR 51.22(c)(25), the granting of an exemption from the requirements of any regulation of chapter 10 qualifies as a categorical exclusion if (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involves scheduling requirements. The basis for NRC's determination is provided in the following evaluation of the requirements in 10 CFR 51.22(c)(25)(i)–(vi).

Requirements in 10 CFR 51.22(c)(25)(i)

To qualify for a categorical exclusion under 10 CFR 51.22(c)(25)(i), the exemption must involve a no significant hazards consideration. The criteria for making a no significant hazards consideration determination are found in 10 CFR 50.92(c). The NRC has determined that the granting of the exemption request involves no significant hazards consideration because allowing the submittal of the license renewal application at least 3

years before the expiration of the existing license while maintaining the protection of the timely renewal provision in 10 CFR 2.109(b) does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Therefore, the requirements of 10 CFR 51.22(c)(25)(i) are met.

Requirements in 10 CFR 51.22(c)(25)(ii) and (iii)

The exemption constitutes a change to the schedule by which Exelon must submit its SLRA and still receive timely renewal protection, which is administrative in nature, and does not involve any change in the types or significant increase in the amounts of effluents that may be released offsite and does not contribute to any significant increase in occupational or public radiation exposure. Accordingly, there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, and no significant increase in individual or cumulative public or occupational radiation exposure. Therefore, the requirements of 10 CFR 51.22(c)(25)(ii) and (iii) are met.

Requirements in 10 CFR 51.22(c)(25)(iv)

The exempted regulation is not associated with construction and the exemption does not propose any changes to the site, alter the site, or change the operation of the site. Therefore, the requirements of 10 CFR 51.22(c)(25)(iv) are met because there is no significant construction impact.

Requirements in 10 CFR 51.22(c)(25)(v)

The exemption constitutes a change to the schedule by which Exelon must submit its SLRA and still receive timely renewal protection, which is administrative in nature, and does not impact the probability or consequences of accidents. Thus, there is no significant increase in the potential for, or consequences of, a radiological accident. Therefore, the requirements of 10 CFR 51.22(c)(25)(v) are met.

Requirements in 10 CFR 51.22(c)(25)(vi)

To qualify for a categorical exclusion under 10 CFR 51.22(c)(25)(vi)(G), the exemption must involve scheduling requirements. The exemption involves scheduling requirements because it would allow Exelon to submit a SLRA for Ginna at least 3 years prior to the expiration of the existing license, rather than the 5 years specified in 10 CFR 2.109(b), and still receive timely renewal protection under 10 CFR 2.109(b). Therefore, the requirements of 10 CFR 51.22(c)(25)(vi) are met.

Based on the above, the NRC concludes that the proposed exemption meets the eligibility criteria for a categorical exclusion set forth in 10 CFR 51.22(c)(25). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

## IV. Conclusions

Accordingly, the NRC has determined that, pursuant to 10 CFR 54.15 and 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances as defined in 10 CFR 50.12(a)(2), are present. Therefore, the NRC hereby grants the licensee a one-time exemption for Ginna, from 10 CFR 54.17(a) to allow the submittal of the Ginna SLRA at least 3 years prior to expiration of the operating license while maintaining the protection of the timely renewal provision in 10 CFR 2.109(b).

This exemption is effective upon issuance.

Dated April 14, 2021.

For the Nuclear Regulatory Commission.

/RA/

Craig G. Erlanger,

*Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2021–08061 Filed 4–19–21; 8:45 am]

**BILLING CODE 7590–01–P**

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## NUCLEAR REGULATORY COMMISSION

**[NRC–2021–0095]**

## Monthly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Monthly notice.

**SUMMARY:** Pursuant to section 189.a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular monthly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person. This monthly notice includes all amendments issued, or proposed to be issued, from March 5, 2021, to April 1, 2021. The last monthly notice was published on March 23, 2021.

**DATES:** Comments must be filed by May 20, 2021. A request for a hearing or petitions for leave to intervene must be filed by June 21, 2021.

**ADDRESSES:** You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0095. 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.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Rhonda Butler, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–8025, email: *Rhonda.Butler@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Obtaining Information and Submitting Comments

### *A. Obtaining Information*

Please refer to Docket ID NRC–2021–0095, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0095.

• *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.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

*B. Submitting Comments*

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0095, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

## II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown below, the Commission finds that the licensees' analyses provided, consistent with title 10 of *the Code of Federal Regulations* (10 CFR) section 50.91, are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

*A. Opportunity To Request a Hearing and Petition for Leave To Intervene*

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause

by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of NSHC, the Commission will make a final determination on the issue of NSHC. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves NSHC, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a petition is submitted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

*B. Electronic Submissions (E-Filing)*

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov*, or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov*, or by a toll-free call to 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are

responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The table below provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT REQUEST(S)

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| **Duke Energy Progress, LLC; Brunswick Steam Electric Plant, Units 1 and 2; Brunswick County, NC** | |
| Docket No(s) | 50–324, 50–325. |
| Application date | February 23, 2021. |
| ADAMS Accession No | ML21054A197. |
| Location in Application of NSHC | Pages 5–6 of the Enclosure. |
| Brief Description of Amendment(s) | The proposed amendments would increase the minimum boron solution storage tank volume requirements for the standby liquid control system. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Kathryn B. Nolan, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon Street (DEC45A), Charlotte, NC 28202. |
| NRC Project Manager, Telephone Number | Andrew Hon, 301–415–8480. |
| **Duke Energy Progress, LLC; Shearon Harris Nuclear Power Plant, Unit 1; Wake and Chatham Counties, NC** | |
| Docket No(s) | 50–400. |
| Application date | January 14, 2021. |
| ADAMS Accession No | ML21014A092. |
| Location in Application of NSHC | Pages 14–16 of the Enclosure. |
| Brief Description of Amendment(s) | The proposed amendment would revise the license condition associated with the adoption of 10 CFR 50.69, that was added to the Shearon Harris Nuclear Power Plant, Unit 1 facility operating license with issuance of Amendment No. 174 (ADAMS Accession No. ML19192A012). Specifically, the proposed change would revise the license condition to reflect an alternative approach for evaluating the impact of the seismic hazard in the categorization process. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | David Cummings, Associate General Counsel, Mail Code DEC45, 550 South Tryon Street, Charlotte NC 28202. |
| NRC Project Manager, Telephone Number | Michael Mahoney, 301–415–3867. |
| **Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Perry Nuclear Power Plant, Unit 1; Lake County, OH** | |
| Docket No(s) | 50–440. |
| Application date | February 17, 2021. |
| ADAMS Accession No | ML21049A031. |
| Location in Application of NSHC | Pages 4–6 of the Enclosure. |
| Brief Description of Amendment(s) | The proposed amendment would adopt Technical Specifications Task Force (TSTF) Traveler TSTF–230, Revision 1, ''Add New Condition B to LCO [Limiting Condition for Operation] 3.6.2.3, 'RHR [Residual Heat Removal] Suppression Pool Cooling,'' to allow two RHR suppression pool cooling subsystems to be inoperable for 8 hours. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Rick Giannantonio, General Counsel, Energy Harbor Nuclear Corp., Mail Stop A–GO–15, 76 South Main Street, Akron, OH 44308. |
| NRC Project Manager, Telephone Number | Scott Wall, 301–415–2855. |
| **Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Perry Nuclear Power Plant, Unit 1; Lake County, OH** | |
| Docket No(s) | 50–440. |
| Application date | March 5, 2021. |
| ADAMS Accession No | ML21069A276. |

LICENSE AMENDMENT REQUEST(S)—Continued

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| Location in Application of NSHC | Pages 4–5 of the Enclosure. |
| Brief Description of Amendment(s) | The proposed amendment would modify Specification 3.8.3, ''Diesel Fuel Oil, Lube Oil, and Starting Air,'' by removing Surveillance Requirement (SR) 3.8.3.6 and placing it under licensee control. The changes are consistent with Technical Specification Task Force (TSTF) Traveler TSTF–002–A, Revision 1, ''Relocate the 10 Year Sediment Cleaning of the Fuel Oil Storage Tank to Licensee Control.'' |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Rick Giannantonio, General Counsel, Energy Harbor Nuclear Corp., Mail Stop A–GO–15, 76 South Main Street, Akron, OH 44308. |
| NRC Project Manager, Telephone Number | Scott Wall, 301–415–2855. |

**Entergy Operations, Inc.; Arkansas Nuclear One, Units 1 and 2; Pope County, AR**

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| Docket No(s) | 50–313, 50–368. |
| Application date | February 8, 2021. |
| ADAMS Accession No | ML21039A756. |
| Location in Application of NSHC | Pages 23–24 of the Enclosure. |
| Brief Description of Amendment(s) | The proposed amendments for Arkansas Nuclear One, Units 1 and 2 (ANO–1 and ANO–2) would revise the emergency cooling pond (ECP) technical specifications (TSs) (*i.e.,* ANO–1 TS 3.7.8 and ANO–2 TS 3.7.4.1), to allow the ECP to remain operable on a one-time basis for up to 65 days to perform proactive upgrades to the ECP supply piping. These changes would allow the licensee the time to perform upgrades on the ECP piping from the ECP to the service water system intake bays prior to a spring outage for each unit. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Anna Vinson Jones, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW, Suite 200 East, Washington, DC 20001. |
| NRC Project Manager, Telephone Number | Thomas Wengert, 301–415–4037. |

**Exelon Generation Company, LLC; Clinton Power Station, Unit 1; DeWitt County, IL**

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| Docket No(s) | 50–461. |
| Application date | February 24, 2021. |
| ADAMS Accession No | ML21055A822. |
| Location in Application of NSHC | Pages 27–29 of Attachment 1. |
| Brief Description of Amendment(s) | The proposed amendment would revise Technical Specification Section 5.5.13, ''Primary Containment Leakage Rate Testing Program,'' to allow a one-time extension to the 15-year frequency of the Clinton Power Station, Unit 1, containment integrated leakage rate test (ILRT or Type A test). The proposed one-time change would permit the current ILRT interval of 15 years to be extended by 8 months. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555. |
| NRC Project Manager, Telephone Number | Joel Wiebe, 301–415–6606. |

**Exelon Generation Company, LLC; LaSalle County Station, Units 1 and 2; LaSalle County, IL**

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| Docket No(s) | 50–373, 50–374. |
| Application date | February 10, 2021. |
| ADAMS Accession No | ML21041A490. |
| Location in Application of NSHC | Pages 7–9 of Attachment 1. |
| Brief Description of Amendment(s) | The proposed amendments would revise the LaSalle County Station (LSCS) technical specifications (TS) to incorporate the methodology in the Licensing Topical Report, ''GNF CRDA Application Methodology,'' NEDE–33885P–A, Revision 1, dated March 2020, by modifying LSCS TS Sections 3.1.3, ''Control Rod Operability,'' 3.1.6, ''Rod Pattern Control,'' and 3.3.2.1, ''Control Rod Block Instrumentation,'' to allow for greater flexibility in rod control operations during various stages of reactor power operation. Additionally, the proposed amendment would modify the requirements on control rod withdrawal order and conditions to protect against a postulated control rod drop accident during startup and low power conditions. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555. |
| NRC Project Manager, Telephone Number | Bhalchandra Vaidya, 301–415–3308. |

**Exelon Generation Company, LLC; Three Mile Island Nuclear Station, Unit 1; Dauphin County, PA**

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| Docket No(s) | 50–289. |
| Application date | December 16, 2020. |
| ADAMS Accession No | ML20351A451. |
| Location in Application of NSHC | Pages 42–45 of Attachment 1. |
| Brief Description of Amendment(s) | The proposed amendment would revise the license conditions and technical specifications after the plant and spent fuel pool have been permanently defueled. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Donald P. Ferraro, Assistant General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Suite 305, Kennett Square, PA 19348. |

LICENSE AMENDMENT REQUEST(S)—Continued

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| NRC Project Manager, Telephone Number | Ted Smith, 301–415–6721. |
| **Exelon Generation Company, LLC; Three Mile Island Nuclear Station, Unit 1; Dauphin County, PA** | |
| Docket No(s) | 50–289. |
| Application date | March 4, 2021. |
| ADAMS Accession No | ML21063A446. |
| Location in Application of NSHC | Pages 14–16 of Attachment 1. |
| Brief Description of Amendment(s) | The proposed amendment would revise Renewed Facility License No. DPR–50. Specifically, the amendment would revise the site emergency plan and Emergency Action Level scheme for the permanently defueled condition after all irradiated fuel has been transferred from the spent fuel pools (SFPs) to the Independent Spent Fuel Storage Installation. This proposed change would permit specific reductions in the size and makeup of the Emergency Response Organization due to the elimination of the design basis accident related to the spent fuel based on the complete removal of all irradiated fuel from the SFPs. The proposed changes are necessary to properly reflect the conditions of the facility while continuing to preserve the Decommissioning Trust Fund and the effectiveness of the emergency plan. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Donald P. Ferraro, Assistant General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Suite 305, Kennett Square, PA 19348. |
| NRC Project Manager, Telephone Number | Theodore Smith, 301–415–6721. |
| **Florida Power & Light Company, *et al.;* St. Lucie Plant, Units 1 and 2; St. Lucie County, FL** | |
| Docket No(s) | 50–335, 50–389. |
| Application date | December 21, 2020. |
| ADAMS Accession No | ML20356A162. |
| Location in Application of NSHC | Pages 15–16 of the Enclosure. |
| Brief Description of Amendment(s) | The proposed amendments would revise the operating licenses and technical specifications to permit the application of risk-informed completion times for the 120-Volt Alternating Current Instrument Bus requirements, consistent with Technical Specifications Task Force (TSTF) Traveler TSTF–505, Revision 2, ''Provide Risk-Informed Extended Completion Times RITSTF Initiative 4b.'' |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Steven Hamrick, Managing Attorney—Nuclear, Florida Power and Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420. |
| NRC Project Manager, Telephone Number | Natreon Jordan, 301–415–7410. |
| **Holtec Decommissioning International, LLC; Oyster Creek Nuclear Generating Station; Forked River, NJ** | |
| Docket No(s) | 50–219. |
| Application date | March 16, 2021. |
| ADAMS Accession No | ML21075A337. |
| Location in Application of NSHC | Pages 32–34 of Enclosure 1. |
| Brief Description of Amendment(s) | The proposed amendment would revise the Renewed Facility Operating License No. DPR–16 and associated technical specifications (TS) to reflect removal of all spent nuclear fuel from the spent fuel pool and its transfer to dry cask storage within a site controlled Independent Spent Fuel Storage Installation. The proposed changes include recognition of the approved Holtec Decommissioning International, LLC Decommissioning Quality Assurance Plan and relocation of specific existing TS Administrative Controls from Permanently Defueled Technical Specifications to the Defueled Safety Analysis Report. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Erin Connolly, Corporate Counsel—Legal, Holtec International, Krishna P. Singh Technology Campus, 1 Holtec Blvd., Camden, NJ 08104. |
| NRC Project Manager, Telephone Number | Zahira Cruz Perez, 301–415–3808. |
| **Holtec Pilgrim, LLC and Holtec Decommissioning International; Pilgrim Nuclear Power Station; Plymouth County, MA** | |
| Docket No(s) | 50–293. |
| Application date | February 18, 2021. |
| ADAMS Accession No | ML21049A192. |
| Location in Application of NSHC | Pages 17–19 of Enclosure 1. |
| Brief Description of Amendment(s) | The proposed amendment would revise the Pilgrim Nuclear Power Station (PNPS) Emergency Plan and associated emergency action level (EAL) scheme to comport with the requirements for a facility configuration with all spent nuclear fuel in dry storage within an Independent Spent Fuel Storage Installation (ISFSI). The Holtec Decommissioning International staff explains that the reason for this proposed amendment request is to obtain NRC approval of the PNPS ISFSI Only Emergency Plan and associated EAL scheme and that the proposed changes are being submitted to the NRC for approval prior to implementation, as required under 10 CFR 50.54(q)(4). |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Erin Connolly, Corporate Counsel—Legal, Holtec International, Krishna P. Singh Technology Campus, 1 Holtec Blvd., Camden, NJ 08104. |
| NRC Project Manager, Telephone Number | Amy Snyder, 301–415–6822. |

LICENSE AMENDMENT REQUEST(S)—Continued

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| **Holtec Pilgrim, LLC and Holtec Decommissioning International; Pilgrim Nuclear Power Station; Plymouth County, MA** | |
| Docket No(s) | 50–293. |
| Application date | March 17, 2021. |
| ADAMS Accession No | ML21076A404. |
| Location in Application of NSHC | Pages 30–32 of Enclosure 1. |
| Brief Description of Amendment(s) | The proposed amendment would revise the 10 CFR part 50 facility license and the technical specifications to reflect removal of all spent nuclear fuel from the spent fuel pool and its transfer to dry cask storage within a site controlled Independent Spent Fuel Storage Installation. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Erin Connolly, Corporate Counsel—Legal, Holtec International, Krishna P. Singh Technology Campus, 1 Holtec Blvd., Camden, NJ 08104. |
| NRC Project Manager, Telephone Number | Amy Snyder, 301–415–6822. |
| **NextEra Energy Duane Arnold, LLC; Duane Arnold Energy Center; Linn County, IA** | |
| Docket No(s) | 50–331. |
| Application date | February 19, 2021. |
| ADAMS Accession No | ML21050A189. |
| Location in Application of NSHC | Pages 25–28 of the Enclosure. |
| Brief Description of Amendment(s) | The proposed amendment would revise the Duane Arnold operating license and technical specifications (TS) to reflect removal of all spent nuclear fuel from the spent fuel pool (SFP) and its transfer to dry cask storage within the Independent Spent Fuel Storage Installation (ISFSI). The proposed changes include the relocation of administrative controls from the Duane Arnold Energy Center (DAEC) TS to the DAEC Quality Assurance Topical Report. The proposed license amendment would not be implemented until after the licensee provides notification to the NRC that all spent nuclear fuel has been transferred out of the SFP and placed within the ISFSI, which is expected to occur in 2022. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Steven Hamrick, Managing Attorney—Nuclear, Florida Power and Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420. |
| NRC Project Manager, Telephone Number | Marlayna Doell, 301–415–3178. |
| **Pacific Gas and Electric Company; Humboldt Bay Power Plant Unit 3; Humboldt County, CA** | |
| Docket No(s) | 50–133. |
| Application date | February 8, 2021. |
| ADAMS Accession No | ML21039A515. |
| Location in Application of NSHC | Pages 8–10 of the Enclosure. |
| Brief Description of Amendment(s) | The proposed amendment would revise the License Termination Plan (LTP). The proposed revisions to the LTP include (1) deleting information associated with developing surrogate ratios; (2) deleting the deselection process currently described in LTP, Section 6.2.5; and (3) adding a new methodology for determining dose contribution from deselected hard-to-detect radionuclides. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | Jennifer Post, Esq., Pacific Gas and Electric Co., 77 Beale Street, Room 3065, Mail Code B30A, San Francisco, CA 94105. |
| NRC Project Manager, Telephone Number | Amy Snyder, 301–415–6822. |
| **Tennessee Valley Authority; Watts Bar Nuclear Plant, Unit 2; Rhea County, TN** | |
| Docket No(s) | 50–391. |
| Application date | March 2, 2021. |
| ADAMS Accession No | ML21061A346. |
| Location in Application of NSHC | Pages 6–7 of the Enclosure. |
| Brief Description of Amendment(s) | The proposed amendment would revise the Watts Bar Nuclear Plant dual-unit Updated Final Safety Analysis Report Section 15.5.5 dose analysis inputs and results for the steam generator tube rupture accident to reflect the installation of the Unit 2 replacement steam generators. |
| Proposed Determination | NSHC. |
| Name of Attorney for Licensee, Mailing Address | David Fountain, Executive VP and General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 6A, Knoxville, TN 37902. |
| NRC Project Manager, Telephone Number | Kimberly Green, 301–415–1627. |

## III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating

license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the table below. The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT ISSUANCE(S)

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| **Dominion Energy Nuclear Connecticut, Inc.; Millstone Power Station, Unit 3; New London County, CT** | |
| Docket No(s) | 50–423. |
| Amendment Date | March 25, 2021. |
| ADAMS Accession No | ML21043A162. |
| Amendment No(s) | 278. |
| Brief Description of Amendment(s) | The amendment revised Millstone 3 Technical Specification Surveillance Requirements 4.8.2.1.b.2 and 4.8.2.1.c.3 by adding a new acceptance criterion to verify the total battery connection resistance is within preestablished limits to ensure that the intended design functions are met. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **Duke Energy Carolinas, LLC; Oconee Nuclear Station, Units 1, 2, and 3; Oconee County, SC** | |
| Docket No(s) | 50–269, 50–270, 50–287. |
| Amendment Date | March 15, 2021. |
| ADAMS Accession No | ML21006A098. |
| Amendment No(s) | 421 (Unit 1), 423 (Unit 2), and 422 (Unit 3). |
| Brief Description of Amendment(s) | The amendments revised the current Oconee licensing basis in the updated final safety analysis report with regards to high energy line breaks outside of the containment building for Oconee, Units 1, 2, and 3. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **Duke Energy Progress, LLC; Brunswick Steam Electric Plant, Units 1 and 2; Brunswick County, NC** | |
| Docket No(s) | 50–324, 50–325. |
| Amendment Date | March 18, 2021. |
| ADAMS Accession No | ML20309A784. |
| Amendment No(s) | 304 (Unit 1) and 332 (Unit 2). |
| Brief Description of Amendment(s) | The amendments adopted Technical Specifications Task Force (TSTF) Traveler TSTF–566, ''Revise Actions for Inoperable RHR Shutdown Cooling Subsystems.'' The amendments revised Technical Specification (TS) 3.4.7, ''Residual Heat Removal (RHR) Shutdown Cooling System—Hot Shutdown,'' and TS 3.4.8, ''Residual Heat Removal (RHR) Shutdown Cooling System—Cold Shutdown.'' |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **Duke Energy Progress, LLC; Brunswick Steam Electric Plant, Units 1 and 2; Brunswick County, NC** | |
| Docket No(s) | 50–324, 50–325. |
| Amendment Date | March 4, 2021. |
| ADAMS Accession No | ML20342A347. |
| Amendment No(s) | 303 (Unit 1) and 331 (Unit 2). |
| Brief Description of Amendment(s) | The amendments adopted Technical Specifications Task Force (TSTF) Traveler TSTF–582, ''RPV [Reactor Pressure Vessel] WIC [Water Inventory Control] Enhancements.'' |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **Duke Energy Progress, LLC; Shearon Harris Nuclear Power Plant, Unit 1; Wake and Chatham Counties, NC** | |
| Docket No(s) | 50–400. |
| Amendment Date | March 16, 2021. |
| ADAMS Accession No | ML21035A132. |
| Amendment No(s) | 182. |

LICENSE AMENDMENT ISSUANCE(S)—Continued

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| Brief Description of Amendment(s) | The amendment revised Technical Specification (TS) 3.3.3.6, ''Accident Monitoring Instrumentation,'' to change the allowed outage time for inoperable post-accident monitoring (PAM) instrumentation in Action Statements ''a'' and ''b,'' replaced the shutdown requirement in Action Statement ''a'', for inoperable PAM instruments when the minimum required channels are operable, with a requirement to submit a Special Report to the NRC within 14 days of exceeding the completion time, delete Action Statements ''d'' and ''e,'' and add a Note that allows a separate entry for each instrument function. The amendment also revised TS 3.9.2, ''Instrumentation,'' to remove the audible indication requirement in Mode 6, as well as relocate the requirements for electrical equipment protective devices in TS 3.8.4.1, ''Containment Penetration Conductor Overcurrent Protective Devices,'' and TS 3.8.4.2, ''Motor Operated Valves Thermal Overload Protection,'' from TSs to licensee-controlled procedure PLP–106, ''Technical Specification Equipment List Program.'' Additionally, the amendment also revised the Note in TS 3.9.2 to allow for the substitution of Wide Range Neutron Flux Monitors for both of the Source Range Neutron Flux Monitors required to be operable while in Mode 6. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |

**Duke Energy Progress, LLC; Shearon Harris Nuclear Power Plant, Unit 1; Wake and Chatham Counties, NC**

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| Docket No(s) | 50–400. |
| Amendment Date | March 22, 2021. |
| ADAMS Accession No | ML21033B007. |
| Amendment No(s) | 183. |
| Brief Description of Amendment(s) | The amendment revised Shearon Harris Nuclear Power Plant, Unit 1 Technical Specification (TS) 3/4.4.9, ''Pressure/Temperature Limits—Reactor Coolant System,'' to reflect an update to the pressure and temperature limit curves in TS Figures 3.4–2, ''Reactor Coolant System Cooldown Limitations'' and 3.4–3, ''Reactor Coolant System Heatup Limitations.'' The amendment also reflects that the revised pressure and temperature limit curves in TS Figures 3.4–2 and 3.4–3 will be applicable until 55 effective full power years (EFPY) and revised TS Figure 3.4–4, ''Maximum Allowed [Power Operated Relief Valve] PORV Setpoint for the Low Temperature Overpressure Protection System,'' to reflect that the setpoint values are based on 55 EFPY reactor vessel data. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |

**Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Beaver Valley Power Station, Unit 1; Beaver County, PA**

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|---|---|
| Docket No(s) | 50–334. |
| Amendment Date | March 22, 2021. |
| ADAMS Accession No | ML21070A000. |
| Amendment No(s) | 310. |
| Brief Description of Amendment(s) | The amendment revised Technical Specification 5.5.5.1, ''Unit 1 SG [Steam Generator] Program,'' paragraph d.2 to defer the spring 2021 refueling outage (1R27) SG inspections to the fall 2022 refueling outage (1R28). |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |

**Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Beaver Valley Power Station, Units 1 and 2; Beaver County, PA**

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| Docket No(s) | 50–334, 50–412. |
| Amendment Date | March 10, 2021. |
| ADAMS Accession No | ML20346A022. |
| Amendment No(s) | 309 (Unit 1) and 199 (Unit 2). |
| Brief Description of Amendment(s) | The amendments revised the technical specifications (TSs) to implement new surveillance methods for the heat flux hot channel factor. Specifically, the amendments corrected nonconservative TS 3.2.1 to ensure that plant operation will remain bounded by the facility safety analyses. The list of NRC-approved analytical methods for the core operating limits in TS 5.6.3 was also updated. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |

**Entergy Louisiana, LLC, and Entergy Operations, Inc.; River Bend Station, Units 1 and 2; West Feliciana Parish, LA; Entergy Operations, Inc., System Energy Resources, Inc., Cooperative Energy, A Mississippi Electric Cooperative, and Entergy Mississippi, LLC; Grand Gulf Nuclear Station, Unit 1; Claiborne County, MS**

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| Docket No(s) | 50–416, 50–458. |
| Amendment Date | March 4, 2021. |
| ADAMS Accession No | ML21040A292. |
| Amendment No(s) | Grand Gulf—228 and River Bend—206. |

LICENSE AMENDMENT ISSUANCE(S)—Continued

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| Brief Description of Amendment(s) | The amendments revised the technical specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–501, ''Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control,'' Revision 1 (ADAMS Accession Nos. ML090510686 and ML100850094), for Grand Gulf Nuclear Station, Unit 1 (Grand Gulf), and River Bend Station, Unit 1 (River Bend). The amendments revised Grand Gulf and River Bend TS 3.8.3, ''Diesel Fuel Oil, Lube Oil, and Starting Air,'' by removing the current stored diesel fuel oil and lube oil numerical volume requirements from the TSs and placing them in the TS Bases so that they may be modified under licensee control. The TSs are also revised such that the stored diesel fuel oil and lube oil inventory would require that a 7-day supply be available for each diesel generator at Grand Gulf and River Bend. Corresponding surveillance requirements and TS Bases are also revised to reflect the above changes. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **Entergy Operations, Inc.; Arkansas Nuclear One, Unit 1; Pope County, AR** | |
| Docket No(s) | 50–313. |
| Amendment Date | March 10, 2021. |
| ADAMS Accession No | ML21040A513. |
| Amendment No(s) | 271. |
| Brief Description of Amendment(s) | The amendment revised the current loss of voltage relay allowable values contained in Arkansas Nuclear One, Unit 1 Technical Specification 3.3.8, ''Diesel Generator (DG) Loss of Power Start (LOPS),'' to address, in part, information contained in NRC Regulatory Issue Summary 2011–12, ''Adequacy of Station Electric Distribution System Voltages,'' Revision 1, dated December 29, 2011. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **Entergy Operations, Inc.; Arkansas Nuclear One, Unit 1; Pope County, AR** | |
| Docket No(s) | 50–313. |
| Amendment Date | March 23, 2021. |
| ADAMS Accession No | ML21027A428. |
| Amendment No(s) | 272. |
| Brief Description of Amendment(s) | The amendment modified Arkansas Nuclear One, Unit 1, Technical Specifications 3.3.6, ''Engineered Safeguards Actuation System (ESAS) Manual Initiation,'' and 3.6.6, ''Spray Additive System.'' Specifically, the amendment replaced the current reactor building spray sodium hydroxide additive with a passive reactor building sump buffering agent, sodium tetraborate decahydrate. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **Exelon Generation Company, LLC; Braidwood Station, Units 1 and 2; Will County, IL** | |
| Docket No(s) | 50–456, 50–457. |
| Amendment Date | March 10, 2021. |
| ADAMS Accession No | ML21054A008. |
| Amendment No(s) | 220 (Unit 1) and 220 (Unit 2). |
| Brief Description of Amendment(s) | The amendments revised Technical Specification (TS) 5.5.9, ''Steam Generator (SG) Program,'' for a one-time revision to the frequency for Unit 1 SG tube inspections to allow deferral of the TS required inspections until the next Unit 1 refueling outage. In addition, the amendments increment the amendment number for Unit 2 because the Unit 2 TS are on the same TS page as Unit 1. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Unit 2; Berrien County, MI** | |
| Docket No(s) | 50–316. |
| Amendment Date | March 23, 2021. |
| ADAMS Accession No | ML21062A188. |
| Amendment No(s) | 339. |
| Brief Description of Amendment(s) | The amendment revised Technical Specification 5.5.14, ''Containment Leakage Rate Testing Program,'' to extend the primary containment integrated leak rate test, or Type A test, interval at the Donald C. Cook Nuclear Plant, Unit No. 2. Specifically, the amendment allows for a one-time extension of the current 15-year integrated leak rate test interval by approximately 18 months and no later than the plant startup after the fall 2022 refueling outage. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **Nebraska Public Power District; Cooper Nuclear Station; Nemaha County, NE** | |
| Docket No(s) | 50–298. |
| Amendment Date | March 29, 2021. |
| ADAMS Accession No | ML21040A300. |

LICENSE AMENDMENT ISSUANCE(S)—Continued

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| Amendment No(s) | 269. |
| Brief Description of Amendment(s) | The amendment revised the current emergency action level scheme to one based on Nuclear Energy Institute (NEI) guidance in NEI 99–01, Revision 6, ''Development of Emergency Action Levels for Non-Passive Reactors,'' dated November 2012, which was endorsed by the NRC in a letter dated March 28, 2013. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |

**Nine Mile Point Nuclear Station, LLC and Exelon Generation Company, LLC; Nine Mile Point Nuclear Station, Unit 1; Oswego County, NY**

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| Docket No(s) | 50–220. |
| Amendment Date | March 16, 2021. |
| ADAMS Accession No | ML21077A015 (package). |
| Amendment No(s) | 245. |
| Brief Description of Amendment(s) | The amendment revised the primary containment isolation valves surveillance frequency from testing each instrument-line flow check valve to testing a representative sample of approximately 20 percent of the instrument-line flow check valves for each operating cycle with each instrument-line flow check valve being tested at least once every 10 years. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |

**Northern States Power Company—Minnesota; Prairie Island Nuclear Generating Plant, Units 1 and 2; Goodhue County, MN**

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|---|---|
| Docket No(s) | 50–282, 50–306. |
| Amendment Date | March 15, 2021. |
| ADAMS Accession No | ML20346A020. |
| Amendment No(s) | 235 (Unit 1) and 223 (Unit 2). |
| Brief Description of Amendment(s) | The amendments modified technical specification requirements to permit the use of Risk-Informed Completion Times in accordance with Technical Specifications Task Force (TSTF) Traveler TSTF–505, Revision 2, ''Provide Risk-Informed Extended Completion Times—RITSTF Initiative 4b.'' |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |

**Northern States Power Company—Minnesota; Prairie Island Nuclear Generating Plant, Units 1 and 2; Goodhue County, MN**

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| Docket No(s) | 50–282, 50–306. |
| Amendment Date | March 19, 2021. |
| ADAMS Accession No | ML21008A001. |
| Amendment No(s) | 236 (Unit 1) and 224 (Unit 2). |
| Brief Description of Amendment(s) | The amendments modified the technical specifications (TSs) to remove Note 1 from both TS 3.4.12, ''Low Temperature Overpressure Protection (LTOP) – Reactor Coolant System Cold Leg Temperature (RCSCLT) > Safety Injection (SI) Pump Disable Temperature,'' and TS Limiting Condition for Operation 3.4.13, ''Low Temperature Overpressure Protection (LTOP) – Reactor Coolant System Cold Leg Temperature (RCSCLT) ≤ Safety Injection (SI) Pump Disable Temperature.'' |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |

**PSEG Nuclear LLC; Hope Creek Generating Station; Salem County, NJ**

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|---|---|
| Docket No(s) | 50–354. |
| Amendment Date | March 10, 2021. |
| ADAMS Accession No | ML21047A313. |
| Amendment No(s) | 226. |
| Brief Description of Amendment(s) | The amendment revised Technical Specification 3/4.5.1, ''ECCS [Emergency Core Cooling System]—Operating,'' Limiting Condition for Operation 3.5.1, Action c, to clarify the entry conditions for the action and to add a new action to address the condition where the high pressure coolant injection system is inoperable, coincident with inoperability of a low pressure coolant injection subsystem and a core spray system subsystem. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |

**PSEG Nuclear LLC; Hope Creek Generating Station; Salem County, NJ**

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|---|---|
| Docket No(s) | 50–354. |
| Amendment Date | March 12, 2021. |
| ADAMS Accession No | ML21050A002. |
| Amendment No(s) | 227. |
| Brief Description of Amendment(s) | The amendment adopted Technical Specifications Task Force (TSTF) Traveler TSTF–582, ''RPV [Reactor Pressure Vessel] WIC [Water Inventory Control] Enhancements.'' The technical specifications related to RPV WIC were revised to incorporate operating experience and to correct errors and omissions in TSTF–542, Revision 2, ''Reactor Pressure Vessel Water Inventory Control.'' |

LICENSE AMENDMENT ISSUANCE(S)—Continued

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| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **R. E. Ginna Nuclear Power Plant, LLC and Exelon Generation Company, LLC; R. E. Ginna Nuclear Power Plant; Wayne County, NY** | |
| Docket No(s) | 50–244. |
| Amendment Date | March 11, 2021. |
| ADAMS Accession No | ML20353A126. |
| Amendment No(s) | 144. |
| Brief Description of Amendment(s) | The amendment revised Technical Specification (TS) 3.3.1, ''Reactor Trip System (RTS) Instrumentation,'' and TS 3.3.2, ''Engineered Safety Feature Actuation System (ESFAS) Instrumentation.'' These changes are based on Westinghouse topical reports WCAP–14333–P–A, Revision 1, ''Probabilistic Risk Analysis of the RPS and ESFAS Test Times and Completion Times,'' and WCAP–15376–P–A, Revision 1, ''Risk-Informed Assessment of the RTS and ESFAS Surveillance Test Intervals and Reactor Trip Breaker Test and Completion Times,'' and are consistent with NRC approved Technical Specifications Task Force (TSTF) Travelers TSTF–411–A, Revision 1, ''Surveillance Test Interval Extensions for Components of the Reactor Protection System (WCAP–15376–P),'' and TSTF–418–A, Revision 2, ''RPS and ESFAS Test Times and Completion Times (WCAP–14333).'' |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **Susquehanna Nuclear, LLC and Allegheny Electric Cooperative, Inc.; Susquehanna Steam Electric Station, Units 1 and 2; Luzerne County, PA** | |
| Docket No(s) | 50–387, 50–388. |
| Amendment Date | March 10, 2021. |
| ADAMS Accession No | ML20317A314. |
| Amendment No(s) | 280 (Unit 1) and 262 (Unit 2). |
| Brief Description of Amendment(s) | The amendments revised Technical Specification 3.8.1, ''AC [Alternating Current] Sources—Operating.'' Specifically, the amendments create a new technical specification action for an inoperable manual synchronization circuit requiring restoration within 14 days. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **Tennessee Valley Authority; Watts Bar Nuclear Plant, Unit 1; Rhea County, TN** | |
| Docket No(s) | 50–390. |
| Amendment Date | March 9, 2021. |
| ADAMS Accession No | ML21015A034. |
| Amendment No(s) | 144. |
| Brief Description of Amendment(s) | The amendment revised Technical Specification 3.3.3, ''Post Accident Monitoring (PAM) Instrumentation,'' Table 3.3.3–1, to delete the term ''plasma'' from the footnotes in the PAM instrumentation table. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Rhea County, TN** | |
| Docket No(s) | 50–390, 50–391. |
| Amendment Date | February 26, 2021. |
| ADAMS Accession No | ML21034A169. |
| Amendment No(s) | 143 (Unit 1) and 50 (Unit 2). |
| Brief Description of Amendment(s) | The amendments revised the Watts Bar Units 1 and 2, Technical Specification (TS) 5.9.5, ''Core Operating Limits Report,'' to replace the loss-of-coolant accident (LOCA) analysis evaluation model references with reference to the FULL SPECTRUM™ Loss-of-Coolant Accident (FSLOCA™) Evaluation Model analysis. The amendments also revised the Watts Bar, Unit 2, Operating License Condition 2.C(4) to reflect the implementation of the FSLOCA Evaluation Model methodology, and the Watts Bar, Unit 1 TS 4.2.1, ''Fuel Assemblies,'' to delete discussion of Zircalloy fuel rods. Additionally, the amendments approved the use of the new LOCA-specific tritium producing burnable absorber rod (TPBAR) stress analysis methodology to evaluate the integrity of the TPBARs for the conditions expected during a large-break LOCA and provide a recovery of margin in the post-LOCA criticality evaluation in the presence of assumed TPBAR failures. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |
| **Union Electric Company; Callaway Plant, Unit 1; Callaway County, MO** | |
| Docket No(s) | 50–483. |
| Amendment Date | March 24, 2021. |
| ADAMS Accession No | ML21053A126. |
| Amendment No(s) | 225. |

LICENSE AMENDMENT ISSUANCE(S)—Continued

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| Brief Description of Amendment(s) | The amendment revised Technical Specification (TS) Administrative Control (AC) 5.3.1, under TS 5.3, ''Unit Staff Qualifications,'' and deleted TS AC 5.3.1.1 and TS AC 5.3.1.2 to remove details specified for the qualification of certain positions within the unit staff that are already specified in the Operating Quality Assurance Manual. |
| Public Comments Received as to Proposed NSHC (Yes/No). | No. |

## IV. Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. They were published as individual notices either because time did not allow the Commission to wait for this monthly notice or because the action involved exigent circumstances. They are repeated here because the monthly notice lists all amendments issued or proposed to be issued involving NSHC.

For details, including the applicable notice period, see the individual notice in the **Federal Register** on the day and page cited.

LICENSE AMENDMENT REQUEST(S)—REPEAT OF INDIVIDUAL **Federal Register** NOTICE

| **Dominion Energy Nuclear Connecticut, Inc.; Millstone Power Station, Unit 3; New London County, CT** | |
|---|---|
| Docket No(s) | 50–423. |
| Application Date | November 19, 2020. |
| ADAMS Accession No | ML20324A703. |
| Brief Description of Amendment(s) | The proposed amendment would revise the renewed facility operating license and technical specifications to support a measurement uncertainty recapture power uprate from 3,650 megawatts thermal (MWt) to 3,709 MWt. The proposed amendment was previously noticed on January 26, 2021 (86 FR 7115), and is being re-noticed to include the instructions for requesting access to sensitive unclassified non-safeguards information. |
| Date & Cite of **Federal Register** Individual Notice. | April 1, 2021 (86 FR 17211). |
| Expiration Dates for Public Comments & Hearing Requests. | May 3, 2021 (Public Comments); June 1, 2021 (Hearing Requests). |
| **Tennessee Valley Authority; Watts Bar Nuclear Plant, Unit 2; Rhea County, TN** | |
| Docket No(s) | 50–391. |
| Application Date | February 25, 2021. |
| ADAMS Accession No | ML21056A623. |
| Brief Description of Amendment(s) | The proposed amendment would revise the Watts Bar Updated Final Safety Analysis Report (UFSAR) to apply a temperature adjustment to the growth rate calculation used to determine the end-of-cycle distribution of indications of axial outer diameter stress corrosion cracking at steam generator tube support plates in support of the Watts Bar, Unit 2 operational assessment. The proposed revision to the UFSAR would apply to Unit 2 only. |
| Date & Cite of **Federal Register** Individual Notice. | March 24, 2021 (86 FR 15727). |
| Expiration Dates for Public Comments & Hearing Requests. | April 23, 2021 (Public Comments); May 24, 2021 (Hearing Requests). |

Dated: April 9, 2021.

For the Nuclear Regulatory Commission.

**Craig G. Erlanger,**

*Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2021–07632 Filed 4–19–21; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2021–0001]**

## Sunshine Act Meetings

**TIME AND DATE:** Weeks of April 19, 26, May 3, 10, 17, 24, 2021.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public.

**MATTERS TO BE CONSIDERED:**

### Week of April 19, 2021

There are no meetings scheduled for the week of April 19, 2021.

### Week of April 26, 2021—Tentative

There are no meetings scheduled for the week of April 26, 2021.

### Week of May 3, 2021—Tentative

There are no meetings scheduled for the week of May 3, 2021.

### Week of May 10, 2021—Tentative

There are no meetings scheduled for the week of May 10, 2021.

### Week of May 17, 2021—Tentative

There are no meetings scheduled for the week of May 17, 2021.

### Week of May 24, 2021—Tentative

*Tuesday, May 25, 2021*

9:00 a.m. Strategic Programmatic Overview of the Fuel Facilities and the Spent Fuel Storage and Transportation Business Lines (Public Meeting) (Contact: Damaris Marcano: 301–415–7328)

*Additional Information:* Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

**CONTACT PERSON FOR MORE INFORMATION:** For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: April 15, 2021.

For the Nuclear Regulatory Commission.

**Wesley W. Held,**

*Policy Coordinator, Office of the Secretary.*

[FR Doc. 2021–08168 Filed 4–16–21; 11:15 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2020–0170]**

## Information Collection: Reactor Site Criteria

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of submission to the Office of Management and Budget; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''Reactor Site Criteria.''

**DATES:** Submit comments by May 20, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Obtaining Information and Submitting Comments

*A. Obtaining Information*

Please refer to Docket ID NRC–2020–0170 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2020–0170. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2020–0170 on this website.
- *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.* The supporting statement is available in ADAMS under Accession Nos. ML21041A452.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@nrc.gov.*

*B. Submitting Comments*

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov/* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

### II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, ''Reactor Site Criteria.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on December 10, 2020, (85 FR 79532).

1. *The title of the information collection:* ''Reactor Site Criteria''.
2. *OMB approval number:* 3150–0093.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* N/A.
5. *How often the collection is required or requested:* As necessary in order for the NRC to assess the adequacy of proposed seismic design bases and the design bases for other site hazards for nuclear power and test reactors constructed and licensed in accordance with Parts 50 and 52 of title 10 of the *Code of Federal Regulations* (10 CFR)

and the Atomic Energy Act of 1954, as amended.

6. *Who will be required or asked to respond:* Applicants who apply for an early site permit (ESP), combined license (COL) or a construction permit (CP) or operating license (OL) on or after January 10, 1997.

7. *The estimated number of annual responses:* 0.66.

8. *The estimated number of annual respondents:* 0.66.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 48,180 hours (73,000 hours per application × 0.66 applications).

10. *Abstract:* 10 CFR part 100, ''Reactor Site Criteria,'' establishes approval requirements for proposed sites for the purpose of constructing and operating stationary power and testing reactors. Subpart B, ''Evaluation Factors for Stationary Power Reactor Site Applications on or After January 10, 1997,'' requirements apply to applicants who apply for an ESP, COL or a CP or OL on or after January 10, 1997. This clearance is necessary since the NRC is expecting approximately two COL applications over the next 3 years. The applicants must provide information regarding the physical characteristics of the site in addition to the potential for natural phenomena and man-made hazards. This includes information on meteorological hazards (such as hurricanes, tornadoes, snowfall, and extreme temperatures), hydrologic hazards (such as floods, tsunami, and seiches) geologic hazards (such as faulting, seismic hazards, and the maximum credible earthquake) and factors such as population density, the proximity of man-related hazards (*e.g.,* airports, dams, transportation routes, military and chemical facilities), and site hydrological and atmospheric dispersion characteristics. The NRC staff reviews the submitted information and, if necessary, generates a request for additional information. The staff meets with the applicant and conducts a site visit to resolve any open issues. When the open issues have been resolved, the staff writes the final safety evaluation report, which is published and used as a basis for the remainder of the NRC licensing process.

Dated: April 15, 2021.

For the Nuclear Regulatory Commission.

**David C. Cullison,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2021–08097 Filed 4–19–21; 8:45 am]

**BILLING CODE 7590–01–P**

## POSTAL REGULATORY COMMISSION

**[Docket No. MT2019–1; Order No. 5870]**

## Market Test of Experimental Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is recognizing a recently filed Postal Service request for extension of the Market Test of Experimental Product—Plus One. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* May 14, 2021.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

**SUPPLEMENTARY INFORMATION:**

### Table of Contents

I. Introduction
II. Background
III. Notice of Filing
IV. Ordering Paragraphs

### I. Introduction

On September 20, 2019, the Commission authorized the Postal Service to proceed with a 2-year market test of an experimental product called Plus One, which is scheduled to expire on September 30, 2021.[1] Plus One is an advertising card that is mailed as an add-on mailpiece with a USPS Marketing Mail Letters marriage mail envelope containing multiple advertising mailpieces.[2] On April 13, 2021, the Postal Service filed a request pursuant to 39 U.S.C. 3641 and 39 CFR 3045.11 to extend the duration of the Plus One market test.[3]

### II. Background

The Postal Service requests a 12-month extension of the Plus One market test, which if approved would set a new expiration date of September 30, 2022. Request at 2. It asserts that the Plus One market test meets the criteria for granting an extension under 39 U.S.C. 3641(d)(2) and 39 CFR 3045.11. *Id.* at 1. It states that the extension is ''necessary to determine the feasibility or desirability of the [Plus One] experimental product and inform any Postal Service decision to create a permanent product.'' *Id.*

The Postal Service asserts that the extension is necessary for three reasons. First, the market test began right before the first wave of the COVID–19 pandemic in the United States, which disrupted all mail generally and USPS Marketing Mail specifically. *Id.* at 2. It states that the sharp decline in USPS Marketing Mail affected Plus One volumes and limited the Postal Service's ability to collect data for a full year. *Id.* It notes that it needs more time to collect meaningful data to compensate for the decline in mail volume that occurred during the pandemic. *Id.*

Second, the Postal Service asserts that if it decides to add Plus One to the Market Dominant product list as a permanent product, it would need more time to finalize the criteria for the permanent product and to program Information Technology solutions to manage the permanent product. *Id.* The Postal Service notes that mailers would also need time to adjust their own systems accordingly. *Id.* Third, the Postal Service states that it ''would like to minimize any potential gap between the end of the market test's operational run and the availability of a potential, new, permanent product.'' *Id.* It notes that such a gap could limit small businesses from advertising with the product and impede the ability of current Plus One users to maintain their client base. *Id.*

In the Request, the Postal Service provides information required by 39 CFR 3045.11(b)(3) and (b)(4). It states the total revenue received by the Postal Service from the Plus One market test was $4.87 million during FY 2020 and $2.05 million during FY 2021, Quarter 1. *Id.* at 2–3. It estimates that it will collect $7.70 million during FY 2021 if market trends and customer adoption metrics reflected in the FY 2021, Quarter 1 data collection report continue through FY 2021. *Id.* at 3. It estimates it will receive $10.8 million through FY 2022. *Id.*

The Postal Service concludes that the Plus One market test meets the criteria for an extension and asks that the Commission grant the extension to allow the Postal Service to continue collecting Plus One market test data and determine the feasibility and desirability of the experimental product. *Id.*

[1] Order Authorizing Plus One Market Test, September 20, 2019, at 15 (Order No. 5239).

[2] United States Postal Service Notice of Market Test of Experimental Product—Plus One, August 13, 2019, at 1.

[3] United States Postal Service Request for Extension of Market Test, April 13, 2021 (Request).

## III. Notice of Filing

The Commission will continue to use Docket No. MT2019–1 to consider matters raised by the Postal Service's Request. The Commission invites comments on whether the Request complies with applicable statutory and regulatory requirements, including 39 U.S.C. 3641, 39 CFR part 3045, and Order No. 5239. Comments are due by May 14, 2021. The public portions of filings in this docket can be accessed via the Commission's website (*http://www.prc.gov*).

39 U.S.C. 505 requires the Commission to designate an officer of the Commission to represent the interests of the general public in all public proceedings (Public Representative). The Commission previously appointed Gregory Stanton to serve as the Public Representative in this proceeding. He remains appointed to serve as the Public Representative.

## IV. Ordering Paragraphs

*It is ordered:*

1. Pursuant to 39 U.S.C. 505, Gregory Stanton remains appointed to serve as the Public Representative in this proceeding.

2. Comments are due by than May 14, 2021.

3. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

**Erica A. Barker,**

*Secretary.*

[FR Doc. 2021–08031 Filed 4–19–21; 8:45 am]

**BILLING CODE 7710–FW–P**

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## RAILROAD RETIREMENT BOARD

### Sunshine Act Meetings

**TIME AND DATE:** 1 p.m., April 19, 2021.

**PLACE:** Meeting will be held by teleconference.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** (1) Litigation Matter.

**CONTACT PERSON FOR MORE INFORMATION:** Stephanie Hillyard, Secretary to the Board, Phone No. 312–751–4920.

**Authority:** 5 U.S.C. 552b.

Dated: April 16, 2021.

**Stephanie Hillyard,**

*Secretary to the Board.*

[FR Doc. 2021–08277 Filed 4–16–21; 4:15 pm]

**BILLING CODE 7905–01–P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91564; File No. SR–NYSEARCA–2021–21)**

## Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.37–E

April 14, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 1, 2021, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.37–E to specify when the Exchange may adjust its calculation of the PBBO. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend Rule 7.37–E to specify when the Exchange may adjust its calculation of the PBBO.[4]

Generally, the Exchange updates both the PBBO and NBBO based on quote updates received from data feeds from Away Markets, which are disclosed in Rule 7.37–E(d).[5] In 2015, the Exchange described in a rule filing that when it routes interest to a protected quotation, the Exchange adjusts the PBBO.[6] The Exchange proposes to amend its rules to include that description in Rule 7.37–E and provide additional specificity of when it may adjust its calculation of the PBBO.

As proposed, new paragraph (d)(2) of Rule 7.37–E would provide:

The Exchange may adjust its calculation of the PBBO based on information about orders it sends to Away Markets with protected quotations, execution reports received from those Away Markets, and certain orders received by the Exchange.

This proposed rule text is consistent with the Exchange's disclosure in the Datafeed Filing and adds specificity that the Exchange may adjust its calculation of the PBBO based on execution reports received from Away Markets and certain orders received by the Exchange.[7]

Proposed Rule 7.37–E(d)(2) is based on MEMX LLC (''MEMX'') Rule 13.4(b) with two non-substantive differences.[8] First, the Exchange proposes to use the term ''PBBO,'' which is the term used in the Exchange's rules for the best-priced

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The term ''PBBO'' is defined in Rule 1.1 to mean the Best Protected Bid and the Best Protected Offer, which in turn mean the highest Protected Bid and the lowest Protected Offer, which refer to quotations in an NMS stock that is (i) displayed by an Automated Trading Center; (ii) disseminated pursuant to an effective national market system plan; and (iii) an Automated Quotation that is the best bid or best offer of a national securities exchange or the best bid or best offer of a national securities association. The term NBBO is defined to mean the national best bid and offer. The Exchange notes that the NBBO may differ from the PBBO because the NBBO includes Manual Quotations, which are defined as any quotation other than an automated quotation. 17 CFR 242.600(b)(37).

[5] The Exchange proposes non-substantive amendments to Rule 7.37–E(d) to update the names of the exchanges listed in the table by replacing the term ''Bats'' with ''Cboe,'' adding reference to ''BYX'' for one of the Cboe exchanges, replacing the term ''NASDAQ'' with ''Nasdaq,'' and adding the word ''The'' before Nasdaq Stock Market LLC.

[6] *See* Securities Exchange Act Release No. 74409 (March 2, 2015), 80 FR 12221 (March 6, 2015) (SR–NYSEArca–2015–11) (Notice of filing and immediate effectiveness of proposed rule change) (''Datafeed Filing'').

[7] The Exchange does not adjust its calculation of the NBBO based on information about orders sent to Away Markets, execution reports from Away Markets, or certain orders received by the Exchange.

[8] MEMX Rule 13.4(b) provides: ''The Exchange may adjust its calculation of the NBBO based on information about orders sent to other venues with protected quotations, execution reports received from those venues, and certain orders received by the Exchange.''

protected quotations, instead of ''NBBO.'' Second, the Exchange proposes to refer to ''Away Markets,'' which is a defined term in Rule 1.1, instead of ''other venues.''

MEMX has not disclosed circumstances when ''certain orders received by the Exchange'' would result in an adjustment to its calculation of the PBBO, but the Exchange believes that when MEMX receives an ISO with a Day time in force (''Day ISO''), it adjusts its calculation of the PBBO. The Exchange proposes that it would also adjust its calculation of the PBBO based on receipt of a Day ISO, which is consistent with how Nasdaq Stock Market LLC (''Nasdaq'') [9] and Cboe BZX Exchange, Inc. (''BZX'') [10] function.

Specifically, the Exchange proposes that it would adjust its calculation of the PBBO upon receipt of a Day ISO Order that the Exchange displays. As described in Rule 7.37–E(e)(3)(C), a Day ISO is eligible for the exception to locking or crossing a protected quotation because the member organization simultaneously routes an ISO to execute against the full size of any locked or crossed protection quotations, *i.e.,* the member organization routes ISOs to trade with contra-side protected quotations on Away Markets that are priced equal to or better than the arriving Day ISO on the Exchange. Because receipt of a Day ISO informs the Exchange that the member organization has routed ISOs to trade with Away Market contra-side protected quotations priced equal to or better than the Day ISO, upon receipt and displaying of a Day ISO, the Exchange proposes to adjust its calculation of the PBBO to exclude any contra-side protected quotations that are priced equal to or better than the Day ISO.

- For example, if the best protected bid is 10.00, Exchange A is displaying a protected offer at 10.05, and Exchange B is displaying a protected offer at 10.09, the Exchange's calculation of the PBBO would be 10.00 × 10.05. If the Exchange receives a Day ISO for 100 shares to buy priced at 10.05 that is displayed on the Exchange at 10.05, the Exchange would adjust its calculation of the PBBO to be 10.05 × 10.09 and would use this updated PBBO for execution, routing, and re-pricing determinations. If a Day ISO is displayed on the Exchange at a price less aggressive than its limit price (*e.g.,* a Day ISO ALO that, if displayed at its limit price, would lock displayed interest on the Exchange), the Day ISO still informs the Exchange that the member organization has routed ISOs to trade with contra-side protected quotations on Away Markets that are priced equal to or better than the *limit price* of arriving Day ISO on the Exchange. The Exchange would therefore use the limit price of the Day ISO ALO to determine how to adjust its calculation of the contra-side Away Market PBBO, provided that contra-side displayed interest on the Exchange equal to the limit price of the Day ISO ALO would not be considered cleared. The price at which the arriving Day ISO ALO would be displayed would be the price that informs the Exchange's calculation of the same-side PBBO.

For example, when the best protected bid is 10.00 and Exchange A is displaying a protected offer at 10.05 and the Exchange's best displayed offer is 10.07, the Exchange's calculation of the PBBO would be 10.00 × 10.05, then:

- If the Exchange receives ALO ''1'' to buy at 10.06, it would be displayed at 10.04 and be assigned a working price of 10.05, which is the PBO (displayed on Exchange A),[11] and the Exchange would adjust the PBBO to be 10.04 × 10.05.
- If next, the Exchange receives Day ISO ALO ''2'' to buy at 10.07, the Exchange would be permitted to display that order at a price that crosses Exchange A's PBO because it is a Day ISO. However, because it locks the Exchange's best displayed offer, due to its ALO modifier, the Exchange would display Day ISO ALO ''2'' at 10.06 and it would have a working price of 10.06.[12] In this scenario, the Exchange proposes to adjust its calculation of the PBBO to be 10.06 x 10.07 and use this updated PBBO for execution, routing, and re-pricing determinations, including repricing the ALO ''1'' to buy to both work and display at its limit price of 10.06.

The Exchange believes that adjusting the PBBO in this manner is consistent with Regulation NMS because the member organization that submitted the Day ISO ALO to buy priced at 10.07 has represented that it has sent ISOs to trade with protected offers on other exchanges priced at 10.07 or lower. The only reason that such order would not be displayed at 10.07 on the Exchange is because it has an ALO modifier and cannot trade with the Exchange's displayed offer of 10.07. However, there is no restriction on that Day ISO ALO being displayed at 10.06, which crosses the Away Market PBO of 10.05. The Exchange believes in this circumstance, it is consistent with Regulation NMS for the Exchange to consider that any Away Market protected offers priced 10.07 or below have been cleared and therefore adjust its calculation of the contra-side Away Market PBBO for purposes of execution, routing, and repricing determinations based on the limit price of the Day ISO ALO.

The Exchange believes that the proposed amendments to Rule 7.37–E(d) would promote clarity and transparency in the Exchange's rules regarding circumstances when the Exchange may adjust its calculation of the PBBO. The Exchange does not believe this proposed rule change is novel. Rather, the Exchange believes that other equity exchanges that accept Day ISOs similarly adjust their calculation of the best protected bid and best protected offer for purposes of making execution, routing, and repricing determinations based on the receipt of Day ISOs, as described above. The Exchange anticipates that it will implement the technology change to how it calculates the PBBO in May 2021.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[14] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to

[9] *See* Nasdaq Rule 4703(j) (''Upon receipt of an ISO, the System will consider the stated price of the ISO to be available for other Orders to be entered at that price, unless the ISO is not itself accepted at that price level (for example, a Post-Only Order that has its price adjusted to avoid executing against an Order on the Nasdaq Book) or the ISO is not Displayed.'') and Securities Exchange Act Release No. 74558 (March 20, 2015) 80 FR 16050, 16068 (March 26, 2015) (SR–Nasdaq–2015–024) (Notice).

[10] *See* Securities Exchange Act Release No. 74074 (January 15, 2015), 80 FR 3679, 3680 (January 23, 2015) (SR–BATS–2015–04) (Notice of filing and immediate effectiveness of proposed rule change to clarify the use of certain data feeds) (''The Exchange's [matching engine] will update the NBBO upon receipt of a Day ISO. When a Day ISO is posted on the BATS Book, the [matching engine] uses the receipt of a Day ISO as evidence that the protected quotes have been cleared, and the ME does not check away markets for equal or better-priced protected quotes. . . . . In determining whether to route an order and to which venue(s) it should be routed, the [routing engine] makes its own calculation of the NBBO. . . . The [routing engine] does not utilize Day ISO Feedback in constructing the NBBO; however, because all orders initially flow through the [matching engine], to the extent Day ISO Feedback has updated the [matching engine's] calculation of the NBBO, all orders processed by the [routing engine] do take Day ISO Feedback into account.'') (''BZX Filing'').

[11] *See* Rule 7.31–E(e)(2)(B)(i).

[12] *See* Rule 7.31–E(e)(3)(D)(ii). Currently, the Exchange would display such Day ISO ALO ''2'' at 10.06 and would adjust its calculation of the same-side PBBO and reprice same-side resting orders to the Day ISO price, but would not adjust its calculation of the contra-side PBBO for purposes of routing and execution determinations of new orders.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

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 and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system because it is designed to promote clarity and transparency in Exchange rules of when the Exchange may adjust its calculation of the PBBO. The Exchange believes that adjusting its calculation of the PBBO based on receipt of a Day ISO is consistent with Regulation NMS because the member organization that entered such Day ISO has also sent ISOs to Away Markets to trade with contra-side protected quotations priced equal to or better than the Day ISO. For the same reasons that displaying a Day ISO at a price that locks or crosses the PBBO is consistent with Regulation NMS, the Exchange believes that adjusting its calculation of the PBBO based on receipt and display of a Day ISO for purposes of making execution, routing, and repricing determinations for other orders is also consistent with Regulation NMS. The Exchange further notes that the proposed rule text is not novel and is based on MEMX Rule 13.4(b) and is consistent with Nasdaq rules and the BZX Filing.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

In accordance with Section 6(b)(8) of the Act,[15] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes are designed to promote transparency and clarity in Exchange rules regarding when the Exchange may adjust its calculation of the PBBO. The Exchange believes that the proposed rule change would promote competition because the Exchange proposes to adjust its calculation of the PBBO under similar circumstances that other equity exchanges adjust their calculation of the PBBO, including MEMX, Nasdaq, and BZX.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [16] and Rule 19b–4(f)(6) thereunder.[17] Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [18] of the Act to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2021–21 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–2021–21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2021–21, and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08050 Filed 4–19–21; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78f(b)(8).

[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6).

[18] 15 U.S.C. 78s(b)(2)(B).

[19] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91561; File No. SR–NYSE–2021–23]**

## Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List

April 14, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 1, 2021, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to introduce (1) a new Adding Tier in Tape A securities, and (2) a new Tier 5 for Supplemental Liquidity Providers (''SLP'') in Tape A securities. The Exchange proposes to implement the fee changes effective April 1, 2021. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

*A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend its Price List to introduce (1) a new Adding Tier in Tape A securities, and (2) a new Tier 5 for SLPs in Tape A Securities.

The proposed changes respond to the current competitive environment where order flow providers have a choice of where to direct liquidity-providing orders by offering further incentives for member organizations to send additional displayed liquidity to the Exchange.

The Exchange proposes to implement the fee changes effective April 1, 2021.

Background

Current Market and Competitive Environment

The Exchange operates in a highly competitive market. The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [4]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [5] Indeed, equity trading is currently dispersed across 16 exchanges,[6] 31 alternative trading systems,[7] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly available information, no single exchange has more than 20% market share.[8] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange's market share of trading in Tape A, B and C securities combined is less than 12%.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. With respect to non-marketable order flow that would provide displayed liquidity on an Exchange, member organizations can choose from any one of the 16 currently operating registered exchanges to route such order flow. Accordingly, competitive forces constrain exchange transaction fees that relate to orders that would provide liquidity on an exchange.

In response to the competitive environment described above, the Exchange has established incentives for its member organizations who submit orders that provide liquidity on the Exchange. The proposed fee change is designed to attract additional order flow to the Exchange by incentivizing member organizations to submit additional displayed liquidity to the Exchange.

Proposed Rule Change

New Adding Tier for Non-Displayed Providers

The Exchange proposes a new Adding Tier for Non-Displayed Providers. As proposed, the Exchange would provide credits in Tape A securities for all orders, other than MPL Orders, from qualifying member organizations that have at least

- an average daily trading volume (''ADV'') that adds liquidity to the Exchange during the billing month (''Adding ADV'') of 0.35% of Tape A consolidated ADV (''Tape A CADV''), excluding any liquidity added by a Designated Market Maker (''DMM''); [9] and

[4] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS'').

[5] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

[6] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/. See generally https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[7] *See* FINRA ATS Transparency Data, available at *https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[8] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[9] Footnote 2 to the Price List defines ADV as ''average daily volume'' and ''Adding ADV'' as ADV that adds liquidity to the Exchange during the billing month. CADV is defined in footnote * of the Price List.

• Adding ADV of Non-Displayed Limit Orders of at least 4 million shares; and

• 35% of the Member Organization's Total Adding ADV is comprised of Non-Displayed Limit Orders.

A member organization that meets the above requirements would receive a credit of $0.0023 per share ($0.0006 per share for Non-Displayed Limit Orders) if the member organization has an Adding ADV of at least 0.35% of Tape A CADV or a credit of $0.0026 per share ($0.0007 per share for Non-Displayed Limit Orders) if the member organization has Adding ADV of at least 0.45% of Tape A CADV.

In addition, the Exchange proposes that Member Organizations that meet the above requirements and add liquidity, excluding liquidity added as an SLP, in Tapes B and C Securities [10] of at least 0.20% of Tape B and Tape C CADV combined will receive an additional $0.00005 per share.

For example, assume member organization A has an adding ADV of 20 million shares and 0.40% of Tape A CADV in a billing month when Tape A CADV was 5 billion shares. Further assume that 15 million shares of member organization A's 40 million shares of Adding ADV were Non-Displayed Limit Orders, representing 37.5% of member organization A's Total Adding ADV during the billing month. Member organization A would accordingly qualify for the proposed Adding Credit of $0.0023 per share (or $0.0006 per share for Non-Displayed Limit Orders). If that member organization A had an adding ADV of at least 0.45% of Tape A CADV, then that member organization would qualify for the proposed Adding Credit of $0.0026 per share (or $0.0007 per share for Non-Displayed Limit Orders).

The purpose of this proposed change is to incentivize member organizations to increase the liquidity-providing orders in the Tape A securities they send to the Exchange, which would support the quality of price discovery on the Exchange and provide additional liquidity for incoming orders. As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. Because the proposed tier requires a member organization to achieve a minimum volume of its trades in orders that add liquidity, the Exchange believes that the proposed credits would provide an incentive for all member organizations to send additional liquidity to the Exchange in order to qualify for them. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. Based on the profile of liquidity-adding firms generally, the Exchange believes that additional member organizations could qualify for the tiered rate under the new qualification criteria if they choose to direct order flow to the Exchange. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange in order to qualify for the new tier.

New SLP Tier 5

The Exchange proposes a new SLP Tier designated ''5'' that would provide that an SLP adding liquidity in securities with a per share price of $1.00 or more with orders, other than Mid-Point Liquidity (''MPL'') orders, is eligible for a per share credit of $0.0031 (or $0.0012 if a Non-Displayed Reserve Order) if the SLP: (1) Meets the 10% average or more quoting requirement in an assigned security pursuant to Rule 107B; (2) adds liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM of the same or an affiliated member organization) of an ADV of more than 0.65% of Tape A CADV (for SLPs that are also DMMs and subject to Rule 107B(i)(2)(A), more than 0.65% after a discount of the percentage for the prior quarter of Tape A CADV in DMM assigned securities as of the last business day of the prior month); (3) has Adding ADV, including non-SLP Adding ADV but excluding any liquidity added by a DMM, that is at least 0.85% of Tape A CADV; and (4) executes an ADV, including non-SLP Adding ADV but excluding any liquidity added by a DMM, of at least 250,000 shares in Retail Price Improvements Orders.

In addition, the Exchange proposes that SLPs that meet the proposed requirements for SLP Tier 5 and add liquidity in Tape B and C securities of at least 0.25% of Tape B and Tape C CADV combined, will receive an additional $0.00005 per share in securities with a per share price of $1.00 that meet the 10% average or more quoting requirement in an assigned security pursuant to Rule 107B (quotes of an SLP-Prop and an SLMM of the same member organization shall not be aggregated). In addition, the Exchange proposes that SLPs would receive an additional $0.00005 per share for adding liquidity, other than MPL and Non-Display Reserve orders, in securities where they are not assigned as an SLP or do not meet the 10% average or more quoting requirement in an assigned security pursuant to Rule 107B.

The Exchange believes that the new tier will provide greater incentives for SLPs to add more liquidity to the Exchange. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. Since the proposed tier is new, the Exchange does not know how many SLPs and their affiliates could qualify for the proposed tiered credits based on their current trading profile on the Exchange. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange believes that additional SLPs and affiliated firms could qualify for the new tier if they choose direct order flow to, and increase quoting on, the Exchange. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange in order to qualify for the new tier.

The proposed changes are not otherwise intended to address other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[12] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

As discussed above, the Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and

[10] The Exchange proposes the non-substantive change in the Tier 1 Adding Credit, Tier 2 Adding Credit and Tier 3 Adding Credit to replace the phrase ''securities traded pursuant to Unlisted Trading Privileges (Tapes B and C) on the Pillar Trading Platform'' with ''Tape B and C Securities.''

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4) & (5).

services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [13] While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [14]

The Proposed Change Is Reasonable

New Adding Tier Credit

The new proposed Adding Tier Credit is reasonable. Specifically, the Exchange believes that the proposed Adding Credit would provide an incentive for member organizations to send additional liquidity providing orders to the Exchange in Tape A securities. As noted above, the Exchange operates in a highly competitive environment, particularly for attracting non-marketable order flow that provides liquidity on an exchange.

The Exchange believes that requiring member organization to have at least an Adding ADV of 0.35% of Tape A CADV, Adding ADV of Non-Displayed Limit Orders of at least 4 million shares, and 35% of the member organization's total Adding ADV is comprised of Non-Displayed Limit Orders, in order to qualify for the proposed Adding Credit is reasonable because it would encourage additional displayed and non-displayed liquidity on the Exchange and because market participants benefit from the greater amounts of displayed and non-displayed liquidity present on the Exchange. Further, the Exchange believes it's reasonable to provide credit of $0.0023 per share ($0.0006 per share for Non-Displayed Limit Orders) if the member organization has an Adding ADV of at least 0.35% of Tape A CADV or a credit of $0.0026 per share ($0.0007 per share for Non-Displayed Limit Orders) if the member organization has Adding ADV of at least 0.45% of Tape A CADV because this would encourage member organizations to send orders that provide liquidity to the Exchange, thereby contributing to robust levels of liquidity, which benefits all market participants, and promoting price discovery and transparency. In addition, the Exchange believes that the additional credit of $0.00005 per share for Member Organizations that meet the proposed tier requirements and add liquidity, excluding liquidity added as an SLP, in Tapes B and C Securities of at least 0.20% of Tape B and Tape C CADV combined is reasonable as a similar incentive is offered in the NYSE's other adding tiers (Tier 1–3 Adding Credits).

Since the proposed Adding Credit would be new, no member organization currently qualifies for the proposed pricing tier. As previously noted, without a view of member organization activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether the proposed rule change would result in any member organization qualifying for the tier. The Exchange believes the proposed credit is reasonable as it would provide an incentive for member organizations to direct their order flow to the Exchange and provide meaningful added levels of liquidity in order to qualify for the credits, thereby contributing to depth and market quality on the Exchange.

New SLP Tier 5

The Exchange believes that the proposal to introduce a new SLP Tier 5 is reasonable because it provides SLPs as well as SLPs that are also DMMs with an additional way to qualify for a rebate, thereby providing SLPs with greater flexibility and creating an added incentive for SLPs to bring additional order flow to a public market. In particular, as noted above, the Exchange believes that the new tier will provide greater incentives for SLPs to add more liquidity to the Exchange, to the benefit of the investing public and all market participants. Since the proposed tier would be new, no SLP currently qualifies for the proposed pricing tier. As previously noted, based on the profile of liquidity-providing SLPs generally, the Exchange believes that a number of SLPs and affiliated firms could qualify for the credits if they choose to direct order flow to, and increase quoting on, the Exchange.

Finally, the Exchange also believes the proposed non-substantive change in the Tier 1 Adding Credit, Tier 2 Adding Credit and Tier 3 Adding Credit is reasonable and would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased clarity and transparency on the Price List, thereby reducing potential confusion.

The Proposal Is an Equitable Allocation of Fees

New Adding Tier Credit

The Exchange believes that the proposed Adding Credit is equitable because the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more liquidity to the Exchange, thereby improving market wide quality and price discovery. Since the proposed Adding Credit would be new, no member organization currently qualifies for it. As noted, without a view of member organization activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization qualifying for the tier. The Exchange believes the proposed credit is reasonable as it would provide an incentive for member organizations to direct their order flow to the Exchange and provide meaningful added levels of liquidity in order to qualify for the credits, thereby contributing to depth and market quality on the Exchange. The proposal neither targets nor will it have a disparate impact on any particular category of market participant. All member organizations that provide liquidity could be eligible to qualify for the proposed credits if meet the proposed adding liquidity requirements. The Exchange believes that offering credits for providing liquidity will continue to attract order flow and liquidity to the Exchange, thereby providing additional price improvement opportunities on the Exchange and benefiting investors generally. As to those market participants that do not presently qualify for the adding liquidity credits, the proposal will not adversely impact their existing pricing or their ability to qualify for other credits provided by the Exchange.

New SLP Tier 5

The Exchange believes its proposal to offer a new SLP tier equitably allocates its fees among its market participants. The proposed changes would encourage the submission of additional liquidity to a national securities exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organizations from the substantial amounts of liquidity that are present on

[13] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS'').

[14] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

the Exchange. The proposed changes would also encourage the submission of additional orders that add liquidity, thus providing price improving liquidity to market participants and increasing the quality of order execution on the Exchange's market, which would benefit all market participants. Moreover, the proposed changes are equitable because they would apply equally to all qualifying SLPs that submit orders to the NYSE and add liquidity to the Exchange.

The Proposal Is Not Unfairly Discriminatory

New Adding Tier Credit

The Exchange believes it is not unfairly discriminatory to provide credits for adding liquidity as the proposed credits would be provided on an equal basis to all member organizations that add liquidity by meeting the new proposed Adding Tier requirements and would equally encourage all member organizations to provide displayed and non-displayed liquidity on the Exchange. As noted, the Exchange believes that the proposed credits would provide an incentive for member organizations to send additional liquidity to the Exchange in order to qualify for the additional credits. The Exchange also believes that the proposed change is not unfairly discriminatory because it is reasonably related to the value to the Exchange's market quality associated with higher volume. Finally, the submission of orders to the Exchange is optional for member organizations in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard.

New SLP Tier 5

The Exchange believes its proposal to offer an new SLP tier is not unfairly discriminatory because the proposal would be provided on an equal basis to all member organizations that add liquidity by meeting the new proposed alternative requirements, who would all be eligible for the same credit on an equal basis. Accordingly, no member organization already operating on the Exchange would be disadvantaged by this allocation of fees. The proposal neither targets nor will it have a disparate impact on any particular category of market participant. The proposal does not permit unfair discrimination because the qualification criteria would be applied to all similarly situated member organizations, who would all be eligible for the same credits on an equal basis. Finally, as noted, the Exchange believes the proposal would provide an incentive for member organizations to continue to send orders that provide liquidity to the Exchange, to the benefit of all market participants.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

In accordance with Section 6(b)(8) of the Act,[15] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for member organizations. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [16]

*Intramarket Competition.* The proposed changes are designed to attract additional order flow to the Exchange. The Exchange believes that the proposed changes would continue to incentivize market participants to direct displayed and non-displayed order flow to the Exchange. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages member organizations to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants on the Exchange. The current credits would be available to all similarly situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange. As noted, the proposal would apply to all similarly situated member organizations on the same and equal terms, who would benefit from the changes on the same basis. Accordingly, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

*Intermarket Competition.* The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [17] of the Act and subparagraph (f)(2) of Rule 19b–4 [18] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [19] of the Act to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2021–23 on the subject line.

[15] 15 U.S.C. 78f(b)(8).

[16] Regulation NMS, 70 FR at 37498–99.

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(2).

[19] 15 U.S.C. 78s(b)(2)(B).

*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–NYSE–2021–23. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2021–23, and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08043 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

[20] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91549; File No. SR–NYSENAT–2021–08]**

## Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Current Pilot Program Related to Rule 7.10

April 14, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 2, 2021, NYSE National, Inc. (''NYSE National'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the current pilot program related to Rule 7.10 (Clearly Erroneous Executions) to the close of business on October 20, 2021. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule change is to extend the current pilot program related to Rule 7.10 (Clearly Erroneous Executions) to the close of business on October 20, 2021. The pilot program is currently due to expire on April 20, 2021.

On September 10, 2010, the Commission approved, on a pilot basis, changes to Rule 11.19 (Clearly Erroneous Executions) that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[4] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[5] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[6] Rule 11.19 is no longer applicable to any securities that trade on the Exchange and has been replaced with Rule 7.10, which is substantively identical to Rule 11.19.[7]

These changes were originally scheduled to operate for a pilot period to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility (the ''Limit Up-Limit Down Plan'' or ''LULD Plan''),[8] including any extensions to the pilot period for the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–NSX–2010–07).

[5] *See* Securities Exchange Act Release No. 68803 (Feb. 1, 2013), 78 FR 9078 (Feb. 7, 2013) (SR–NSX–2013–06).

[6] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–NSX–2014–08).

[7] *See* Securities Exchange Act Release No. 83289 (May 17, 2018), 83 FR 23968 (May 23, 2018) (SR–NYSENAT–2018–02).

[8] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

LULD Plan.[9] In April 2019, the Commission approved an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis.[10] In light of that change, the Exchange amended Rule 7.10 to untie the pilot program's effectiveness from that of the LULD Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019.[11] The Exchange later amended Rule 7.10 to extend the pilot's effectiveness to the close of business on April 20, 2020,[12] October 20, 2020,[13] and subsequently, April 20, 2021.[14]

The Exchange now proposes to amend Rule 7.10 to extend the pilot's effectiveness for a further six months to the close of business on October 20, 2021. If the pilot period is not either extended, replaced or approved as permanent, the prior versions of paragraphs (c), (e)(2), (f), and (g) as described in former Rule 11.19 will be in effect, and the provisions of paragraphs (i) through (k) shall be null and void.[15] In such an event, the remaining sections of Rule 7.10 would continue to apply to all transactions executed on the Exchange. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') will also file similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to Rule 7.10.

The Exchange does not propose any additional changes to Rule 7.10. Extending the effectiveness of Rule 7.10 for an additional six months will provide the Exchange and other self-regulatory organizations additional time to consider whether further amendments to the clearly erroneous execution rules are appropriate.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[16] in general, and Section 6(b)(5) of the Act,[17] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning review of transactions as clearly erroneous. The Exchange believes that extending the clearly erroneous execution pilot under Rule 7.10 for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and other self-regulatory organizations consider whether further amendments to these rules are appropriate.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while the Exchange and other self-regulatory organizations consider whether further amendments to these rules are appropriate. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals to extend their respective clearly erroneous execution pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[18] and Rule 19b–4(f)(6) thereunder.[19]

A proposed rule change filed under Rule 19b–4(f)(6)[20] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[21] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may

[9] *See* Securities Exchange Act Release No. 71797 (March 25, 2014), 79 FR 18108 (March 31, 2014) (SR–NSX–2014–07).

[10] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (approving Eighteenth Amendment to LULD Plan).

[11] *See* Securities Exchange Act Release No. 85522 (April 5, 2019), 84 FR 14704 (April 11, 2019) (SR–NYSENAT–2019–07).

[12] *See* Securities Exchange Act Release No. 87352 (October 18, 2019), 84 FR 57063 (October 24, 2019) (SR–NYSENAT–2019–24).

[13] *See* Securities Exchange Act Release No. 88593 (April 8, 2020), 85 FR 20728 (April 14, 2020) (SR–NYSENAT–2020–13).

[14] *See* Securities Exchange Act Release No. 90157 (October 13, 2020), 85 FR 66393 (October 19, 2020) (SR–NYSENAT–2020–32).

[15] *See supra* notes 4–6. The prior versions of paragraphs (c), (e)(2), (f), and (g) generally provided greater discretion to the Exchange with respect to breaking erroneous trades.

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6)(iii).

[22] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSENAT–2021–08 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–NYSENAT–2021–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSENAT–2021–08 and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08039 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91556; File No. SR–CboeEDGA–2021–008]**

## Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Current Pilot Program Related to EDGA Rule 11.15, Clearly Erroneous Executions, to the Close of Business on October 20, 2021

April 14, 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 April 5, 2021, Cboe EDGA Exchange, Inc. (''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the current pilot program related to EDGA Rule 11.15, Clearly Erroneous Executions, to the close of business on October 20, 2021. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/edga/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of this filing is to extend the effectiveness of the Exchange's current rule applicable to Clearly Erroneous Executions to the close of business on October 20, 2021. Portions of Rule 11.15, explained in further detail below, are currently operating as a pilot program set to expire on April 20, 2021.[5]

On September 10, 2010, the Commission approved, on a pilot basis, changes to EDGA Rule 11.15 that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[6] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[7] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information

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[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 90235 (October 21, 2020), 85 FR 68097 (October 27, 2020) (SR–EDGA–2020–027).

[6] *See* Securities Exchange Act Release No. 62886 (September 10, 2010), 75 FR 56613 (September 16, 2010) (SR–EDGA–2010–03).

[7] *See* Securities Exchange Act Release No. 68806 (February 1, 2013), 78 FR 8670 (February 6, 2013) (SR–EDGA–2013–05).

resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[8]

On December 26, 2018, the Commission published the proposed Eighteenth Amendment[9] to the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'')[10] to allow the Plan to operate on a permanent, rather than pilot, basis. On April 8, 2019, the Exchange amended EDGA Rule 11.15 to untie the pilot program's effectiveness from that of the Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019 in order allow the Exchange and other national securities exchanges additional time to consider further amendments, if any, to the clearly erroneous execution rules in light of the proposed Eighteenth Amendment to the Plan.[11] On April 17, 2019, the Commission published an approval of the Eighteenth Amendment to allow the Plan to operate on a permanent, rather than pilot, basis.[12] On October 21, 2019, the Exchange amended EDGA Rule 11.15 to extend the pilot's effectiveness to the close of business on April 20, 2020.[13] On March 18, 2020, the Exchange amended EDGA Rule 11.15 to extend the pilot's effectiveness to the close of business on October, 20, 2020.[14] Finally, on October 20, 2020, the Exchange amended EDGA Rule 11.15 to extend the pilot's effectiveness to the close of business on April 20, 2021.[15]

The Exchange now proposes to amend EDGA Rule 11.15 to extend the pilot's effectiveness to the close of business on October 20, 2021. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') have filed similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to EDGA Rule 11.15.[16]

The Exchange does not propose any additional changes to EDGA Rule 11.15. The Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a limited six month pilot basis. As the Plan was approved by the Commission to operate on a permanent, rather than pilot, basis the Exchange intends to assess whether additional changes should also be made to the operation of the clearly erroneous execution rules. Extending the effectiveness of EDGA Rule 11.15 for an additional six months should provide the Exchange and other national securities exchanges additional time to consider further amendments, if any, to the clearly erroneous execution rules.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[17] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[18] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[19] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that extending the clearly erroneous execution pilot under EDGA Rule 11.15 for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange understands that FINRA and other national securities exchanges have or will also file similar proposals to extend their respective clearly erroneous execution pilot programs.[20] Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No comments were solicited or received on the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[21] and Rule 19b–4(f)(6) thereunder.[22]

[8] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–EDGA–2014–11).

[9] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (File No. 4–631) (''Eighteenth Amendment'').

[10] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[11] *See* Securities Exchange Act Release No. 85544 (April 8, 2019), 84 FR 15011 (April 12, 2019) (SR–CboeEDGA–2019–005).

[12] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (File No. 4–631).

[13] *See* Securities Exchange Act Release No. 87366 (October 21, 2019), 84 FR 57538 (October 25, 2019) (SR–CboeEDGA–2019–017).

[14] *See* Securities Exchange Act Release No. 88499 (March 27, 2020), 85 FR 18604 (April 2, 2020) (SR–CboeEDGA–2020–009).

[15] *See* supra note 5.

[16] *See* SR–FINRA–2021–004 (Filed March 15, 2021).

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *Id.*

[20] *See* supra note 16.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to

Continued

A proposed rule change filed under Rule 19b–4(f)(6) [23] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [24] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[25]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGA–2021–008 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGA–2021–008. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGA–2021–008 and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08040 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[23] 17 CFR 240.19b–4(f)(6).

[24] 17 CFR 240.19b–4(f)(6)(iii).

[25] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[26] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91553; File No. SR–NYSE–2021–24]**

## Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Current Pilot Program Related to Rule 7.10

April 14, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 2, 2021, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the current pilot program related to Rule 7.10 (Clearly Erroneous Executions) to the close of business on October 20, 2021. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule change is to extend the current pilot program related to Rule 7.10 (Clearly Erroneous Executions) to the close of business on October 20, 2021. The pilot program is currently due to expire on April 20, 2021.

On September 10, 2010, the Commission approved, on a pilot basis, changes to Rule 128 (Clearly Erroneous Executions) that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[4] In 2013, the Exchange adopted a provision to Rule 128 designed to address the operation of the Plan.[5] Finally, in 2014, the Exchange adopted two additional provisions to Rule 128 providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[6] Rule 128 is no longer applicable to any securities that trade on the Exchange and has been replaced with Rule 7.10, which is substantively identical to Rule 128.[7]

These changes were originally scheduled to operate for a pilot period to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility (the ''Limit Up-Limit Down Plan'' or ''LULD Plan''),[8] including any extensions to the pilot period for the LULD Plan.[9] In April 2019, the Commission approved an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis.[10] In light of that change, the Exchange amended Rules 7.10 and 128 to untie the pilot program's effectiveness from that of the LULD Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019.[11] The Exchange later amended Rule 7.10 to extend the pilot's effectiveness to the close of business on April 20, 2020,[12] October 20, 2020,[13] and subsequently, April 20, 2021.[14]

The Exchange now proposes to amend Rule 7.10 to extend the pilot program's effectiveness for a further six months until the close of business on October 20, 2021. If the pilot period is not either extended, replaced or approved as permanent, the prior versions of paragraphs (c), (e)(2), (f), and (g) shall be in effect, and the provisions of paragraphs (i) through (k) shall be null and void.[15] In such an event, the remaining sections of Rules 7.10 would continue to apply to all transactions executed on the Exchange. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') will also file similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to Rule 7.10.

The Exchange does not propose any additional changes to Rule 7.10. Extending the effectiveness of Rule 7.10 for an additional six months will provide the Exchange and other self-regulatory organizations additional time to consider whether further amendments to the clearly erroneous execution rules are appropriate.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[16] in general, and Section 6(b)(5) of the Act,[17] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning review of transactions as clearly erroneous. The Exchange believes that extending the clearly erroneous execution pilot under Rule 7.10 for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and other self-regulatory organizations consider whether further amendments to these rules are appropriate.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while the Exchange and other self-regulatory organizations consider whether further amendments to these rules are appropriate. The Exchange understands

[4] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–NYSE–2010–47).

[5] *See* Securities Exchange Act Release No. 68804 (Feb. 1, 2013), 78 FR 8677 (Feb. 6, 2013) (SR–NYSE–2013–11).

[6] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–NYSE–2014–22).

[7] *See* Securities Exchange Act Release Nos. 82945 (March 26, 2019), 83 FR 13553, 13565 (March 29, 2019) (SR–NYSE–2017–36) (Approval Order) and 85962 (May 29, 2019), 84 FR 26188, 26189 n.13 (June 5, 2019) (SR–NYSE–2019–05) (Approval Order).

[8] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[9] *See* Securities Exchange Act Release No. 71821 (March 27, 2014), 79 FR 18592 (April 2, 2014) (SR–NYSE–2014–17).

[10] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (approving Eighteenth Amendment to LULD Plan).

[11] *See* Securities Exchange Act Release No. 85523 (April 5, 2019), 84 FR 14706 (April 11, 2019) (SR–NYSE–2019–17).

[12] *See* Securities Exchange Act Release No. 87353 (October 18, 2019), 84 FR 57087 (October 24, 2019) (SR–NYSE–2019–56).

[13] *See* Securities Exchange Act Release No. 88580 (April 7, 2020), 85 FR 20551 (April 13, 2020) (SR–NYSE–2020–24).

[14] *See* Securities Exchange Act Release No. 90151 (October 9, 2020), 85 FR 65458 (October 15, 2020) (SR–NYSE–2020–83).

[15] *See supra* notes 4–6. The prior versions of paragraphs (c), (e)(2), (f), and (g) generally provided greater discretion to the Exchange with respect to breaking erroneous trades.

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

that the other national securities exchanges and FINRA will also file similar proposals to extend their respective clearly erroneous execution pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [18] and Rule 19b–4(f)(6) thereunder.[19]

A proposed rule change filed under Rule 19b–4(f)(6) [20] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [21] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2021–24 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–NYSE–2021–24. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2021–24 and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08042 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6)(iii).

[22] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[23] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91547; File No. SR–CBOE–2021–021]**

## Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend Its Fees Schedule To Adopt Reduced Permit Fees for New Floor Brokers

April 14, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on April 1, 2021, Cboe Exchange, Inc. (''CBOE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its Fees Schedule to adopt reduced permit fees for new Floor Brokers. The text of the proposed rule change is provided in Exhibit 5.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend its Fees Schedule to adopt reduced permit fees for new Floor Brokers. By way of background, a Floor Broker Permit (''FB Permit'') entitles the holder to act as a Floor Broker on the floor of the exchange. The Exchange currently maintains a Floor Trading Permit Sliding Scale, which allows Floor Brokers to pay reduced rates for higher quantity of FB Permits. Particularly, Floor Brokers pay $7,500 for the first FB Permit, $5,700 per permit for the 2nd and 3rd FB Permits, $4,500 per permit for the 4th and 5th FB permits and $3,200 for each additional FB Permit. The Exchange proposes to now adopt a discount for FB Permits for new Trading Permit Holders (''TPHs'') or for TPHs that have not held a FB Permit in at least twelve (12) months (collectively referred to herein as ''New Floor Brokers''). Specifically, the Exchange proposes to assess New Floor Brokers $500 per permit for up to two FB Permits. Thereafter, any additional permit would be subject to the current Floor Trading Permit Sliding Scale.[3] A New Floor Broker is only eligible for reduced fees for 6 months starting from the month the 1st permit is activated. The Exchange believes the proposed change may incentivize new market participants to become Floor Brokers on the Exchange and help offset initial costs of operation as Floor Brokers. The Exchange also notes the proposed reduced rate is consistent with the rates charged by another Exchange to Floor Broker participants.[4]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[5] in general, and furthers the objectives of Section 6(b)(4),[6] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5)[7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed discount for the first two FB Permits for New Floor Brokers is reasonable as such market participants will pay lower costs for those permits. Also as noted above, the proposed discounted rate is consistent with the amount charged by another exchange for Floor Broker permits.[9] The Exchange notes it is not otherwise amending any of the rates in the Floor Trading Permits Sliding Scale. The Exchange believes the proposed change is also reasonable as it may incentivize new market participants to become Floor Brokers on the Exchange and help offset initial costs associated with becoming a Floor Broker. The Exchange believes the proposed discount is equitable and not unfairly discriminatory because all New Floor Brokers are eligible. The Exchange also believes it's equitable and not unfairly discriminatory to provide the discount to New Floor Brokers because it is designed to encourage new market participants to become Floor Brokers on the Exchange that may not otherwise do so because of the expense involved in becoming a Floor Broker. The Exchange also believes it's equitable and not unfairly discriminatory to offer a discount to Floor Brokers because Floor Brokers serve an important function in facilitating the execution of orders via open outcry, which as a price-improvement mechanism, the Exchange wishes to encourage and support. Further, the proposed change is designed to further encourage the execution of orders via open outcry, which should increase volume, which would benefit all market participants Lastly, the Exchange notes that it is not aware of any market participant that is expected to qualify as a New Floor Broker within the next month, but to the extent that this discount proves attractive to market participants, they are welcome to become Floor Brokers on the Exchange and receive the proposed discount.

*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 does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while it is limited to Floor Brokers, Floor Brokers serve an important function in facilitating the execution of orders via open outcry, which as a price-improvement mechanism, the Exchange wishes to encourage and support. Further, the proposed change is designed to encourage more Floor Brokers which may further encourage more execution of orders via open outcry, which should increase volume, which would benefit all market participants trading via open outcry. The Exchange does not believe that the proposed change will impose an unnecessary or inappropriate burden on intermarket competition because it only

[3] For example, if a new Floor Broker purchases 4 FB Permits, the first two permits will be assessed $500 each per month, and the third permit would be assessed $5,700 per month and the fourth permit would be assessed $4,500 per month. *See* Cboe Options Fees Schedule, Floor Trading Permit Sliding Scales.

[4] *See* NYSE American Options Fees Schedule, Section III (Monthly Trading Permit, Rights, Floor Access and Premium Product Fees).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78f.(b)(5).

[8] *Id.*

[9] *See* NYSE American Options Fees Schedule, Section III (Monthly Trading Permit, Rights, Floor Access and Premium Product Fees).

applies to Cboe Options. To the extent that this discount proves attractive to Floor Brokers on other options exchanges, or its results prove attractive to market participants on other exchanges, such Floor Brokers or market participants may elect to become Floor Brokers or market participants at the Exchange.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) [10] of the Act.

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 under Section 19(b)(2)(B) [11] of the Act to determine whether the proposed rule change should be approved or disapproved

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CBOE–2021–021 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. SR–CBOE–2021–021. 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 No. SR–CBOE–2021–021, and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08034 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 15 U.S.C. 78s(b)(2)(B).

[12] 17 CFR 200.30–3(a)(12).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91567; File No. SR–NASDAQ–2020–100]**

## Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Modify the Quorum Requirement

April 14, 2021.

**I. Introduction**

On December 31, 2020, The Nasdaq Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify the quorum requirement applicable to a non-U.S. company where such company's home country law is in direct conflict with Nasdaq's quorum requirement. The proposed rule change was published for comment in the **Federal Register** on January 15, 2021.[3] On February 25, 2021, pursuant to Section 19(b(2) of the Act,[4] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On April 8, 2021, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change.[6] The Commission received no comments on the proposed rule change. The Commission is publishing notice of the filing of Amendment No. 1 to solicit comment from interested persons and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

**II. The Exchange's Description of the Proposal, as Modified by Amendment No. 1**

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.

[3] *See* Securities Exchange Act Release No. 90883 (January 11, 2021), 86 FR 4158 (January 15, 2021).

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 91212, 86 FR 12503 (March 3, 2021). The Commission designated April 15, 2021, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] In Amendment No. 1, the Exchange revised the rule language and made clarifying, conforming, and technical changes, as discussed in Section VI, *infra.* Amendment No. 1 is available at *https://www.sec.gov/comments/sr-nasdaq-2020-100/srnasdaq2020100-8652263-231434.pdf.*

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

Nasdaq is filing this amendment to SR–NASDAQ–2020–100 [7] in order to: (i) Make minor technical changes to improve the structure, clarity and readability of this proposal; (ii) specify that Nasdaq will (rather than may) accept any quorum requirement for a non-U.S. Company, that is not a foreign private issuer, if the company's home country law mandates such quorum for the shareholders' meeting and prohibits the company from establishing a higher quorum required by Nasdaq, and the company cannot obtain an exemption or waiver from that law; (iii) clarify that such acceptance of any quorum requirement is subject to Nasdaq's discretionary authority under Listing Rule 5101; and (iv) add a provision that a company relying on the exception from the Nasdaq quorum requirement must:

(a) Make a public announcement as promptly as possible but not more than four business days following the submission of the independent counsel's statement to Nasdaq on or through the company's website and either by filing a Form 8–K, where required by SEC rules, or by issuing a press release explaining the company's reliance on the exception;

(b) maintain the website disclosure for the period of time the company continues to rely on this exception from the quorum requirements; and

(c) update the website disclosure at least annually to indicate that the company is prohibited under its home country law from complying with Nasdaq's quorum requirements as of such date.

This amendment supersedes and replaces the Initial Proposal in its entirety.

Nasdaq is proposing to modify Listing Rules 5620(c) and 5615(a)(4)(E) to allow Nasdaq to accept a quorum less than 33⅓% of the outstanding shares of a company's common voting stock where the company is incorporated outside of the U.S. and such company's home country law prohibits the company from establishing a quorum that satisfies the such quorum rules.

Listing Rule 5620(c) establishes quorum requirements for an annual meeting of shareholders for Nasdaq companies listing common stock or voting preferred stock, and their equivalents.[8] Under this rule, each company that is not a limited partnership must provide for a quorum as specified in its by-laws for any meeting of the holders of common stock; provided, however, that in no case shall such quorum be less than 33⅓% of the outstanding shares of the company's common voting stock.[9] Nasdaq notes that domestic listed companies are subject to quorum requirements under the laws of their states of incorporation.[10]

Nasdaq recently discovered that the laws of certain foreign jurisdictions are in direct conflict with the Nasdaq Quorum Requirement. In particular, Nasdaq was approached by a French company that took advantage of the foreign private issuer exception and relied on home country practices in lieu of the Nasdaq Quorum Requirement, but lost its foreign private issuer status and cannot comply with the Nasdaq Quorum Requirement due to certain French law requirements.[11] In that regard, Article L. 225–98 of the French Commercial code [12] provides that upon first notice, the ordinary shareholders' meeting shall have a quorum requirement of one-fifth (20%) of the shares entitled to vote. The Article further provides that by-laws of a French company whose shares are listed on a regulated market (which includes Euronext Paris) cannot provide for a higher quorum for shareholders' meetings than that set forth above. As this rule constitutes a public order under French law, it is required to be followed and compliance is enforced by the French courts and by the French stock exchange authority, the Autorité des marchés financiers. According to article L. 225–121, any decision taken in violation of the aforementioned rules on quorum is deemed null and void. As such, a French company listed on a regulated market cannot comply with the Nasdaq Quorum Requirement.

Listing Rule 5615(a)(3) allows a foreign private issuer [13] to follow its home country practice in lieu of the requirements of the Rule 5600 Series, including the Nasdaq Quorum Requirement, subject to certain disclosure requirements and the requirement that an independent counsel in such company's home country certify to Nasdaq that the company's practices are not prohibited by the home country's laws.[14] Accordingly, a French foreign private issuer could rely on Listing Rule 5615(a)(3) to remain in compliance with the Nasdaq corporate governance requirements in the Rule 5600 Series.[15]

A non-U.S. company [16] that is not a foreign private issuer currently is required to comply with the Nasdaq Quorum Requirement without regard to the requirements of such company's home country laws. As described above, for some companies, including DBV, the company's home country law prohibits the company from establishing a higher quorum required by the Nasdaq Quorum Requirement.

Accordingly, Nasdaq proposes to modify the Nasdaq Quorum Requirement to allow Nasdaq to accept

[7] Securities Exchange Act Release No. 90883 (January 11, 2021), 86 FR 4158 (January 15, 2021) (the ''Initial Proposal'').

[8] Listing Rule 5620(a).

[9] Listing Rule 5615(a)(4)(E) governing the quorum requirements for limited partnerships listed on Nasdaq similarly requires that in the event of a meeting of limited partners, the quorum for such meeting shall be not less than 33⅓ percent of the limited partnership interests outstanding (together with the requirements of Listing Rule 5620(c), the ''Nasdaq Quorum Requirement'').

[10] For example, Delaware allows companies to establish their own quorum requirements in their certificates of incorporation or bylaws, provided that the quorum must be at least one-third of the shares entitled to vote on the matter. In the absence of a quorum provision in the company's certificate of incorporation or bylaws, Delaware requires a quorum of more than 50% of the shares entitled to vote on the matter. *See* 8 Del. Code Sec. 216.

[11] Ordinary shares of at least one Nasdaq listed company DBV Technologies S.A. (DBV), are listed on Euronext Paris which is a regulated market under French and EU regulations. Accordingly, as explained below, DBV cannot amend its bylaws to increase the quorum requirement to comply with the Nasdaq Quorum Requirement. Since its IPO in 2014, DBV qualified as a foreign private issuer and relied on home country practices in lieu of complying with the Nasdaq Quorum Requirement. *See also* footnote 15 below.

[12] ''It can only validly deliberate upon first notice if the shareholders present or represented own at least one fifth of the shares entitled to vote.'' Available at *https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000038799445&cidTexte=LEGITEXT000005634379&dateTexte=20190721*.

[13] The term foreign private issuer means any foreign issuer other than a foreign government except an issuer meeting the following conditions as of the last business day of its most recently completed second fiscal quarter: (i) More than 50 percent of the outstanding voting securities of such issuer are directly or indirectly owned of record by residents of the United States; and (ii) Any of the following: (A) The majority of the executive officers or directors are United States citizens or residents; (B) More than 50 percent of the assets of the issuer are located in the United States; or (C) The business of the issuer is administered principally in the United States. *See* Securities Act Rule 405 and Exchange Act Rule 3b–4.

[14] *See* Listing Rule 5615(a)(3)(B) and Listing Rule IM–5615–3.

[15] As of December 31, 2019, approximately 62% of DBV's outstanding ordinary shares were held by U.S. residents. *See* company's Form 20–F filed on March 20, 2020. As of June 30, 2020, DBV determined that it no longer qualified as a foreign private issuer and would be required to comply with SEC rules for domestic issuers as of January 1, 2021.

[16] For purposes of this rule, the term non-U.S. company refers to a company incorporated outside of the U.S. *See also* Listing Rules 5630 and IM–5640 that use this term.

any quorum requirement for a non-U.S. company if such company's home country law mandates such quorum for the shareholders' meeting and prohibits the company from establishing the higher quorum required by the Nasdaq Quorum Requirement, and the company cannot obtain an exemption or waiver from that law.[17] This rule change is consistent with the approach the Exchange takes in Listing Rule IM–5640 that allows Nasdaq to accept any action or issuance relating to the voting rights structure of a non-U.S. company that is not prohibited by the company's home country law.[18] Nasdaq proposes to require that a company relying on this provision shall submit to Nasdaq a written statement from an independent counsel in such company's home country describing the home country law that conflicts with Nasdaq's quorum requirement. Nasdaq also proposes to require such counsel to certify that, as the result of the conflict with the home country law, the company is prohibited from complying with the Nasdaq Quorum Requirement, and the company cannot obtain an exemption or waiver from that law. Finally, to assure appropriate disclosure, Nasdaq proposes to require that any company relying on this exception from the Nasdaq Quorum Requirement must make a public announcement as promptly as possible but not more than four business days following the submission of the independent counsel's statement to Nasdaq, as described above, on or through the Company's website and either by filing a Form 8–K, where required by SEC rules, or by issuing a press release explaining the Company's reliance on the exception.

In addition, to help assure continuous transparency, Nasdaq proposes to require that such website disclosure is maintained for the period of time the company continues to rely on the exception from the quorum requirements. Finally, to help assure the exception remains appropriate, Nasdaq proposes to require the company to update the website disclosure at least annually to indicate that the company continues to be prohibited under its home country law from complying with Nasdaq's quorum requirements as of the date of such update.

Nasdaq also proposes to modify Listing Rule 5615(a)(4)(E) governing the quorum requirements for limited partnerships listed on Nasdaq to also reflect this change to the Nasdaq Quorum Requirement.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Section 6(b)(5) of the Act,[20] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Nasdaq believes that the proposed amendments to Listing Rules 5620(c) and 5615(a)(4)(E) are designed to protect investors and the public interest because the proposal would eliminate a conflict forcing a company to be in violation of the Nasdaq rule, with a result of delisting by following the law in its home jurisdiction. Nasdaq also believes that Nasdaq's long experience of listing foreign private issuers, including DBV, while allowing such companies to rely on home country practices in lieu of the Nasdaq Quorum Requirement provides evidence of an appropriate level of investor protection. In addition, this modification is consistent with the approach the Exchange takes in Listing Rule IM–5640 that allows Nasdaq to accept any action or issuance relating to the voting rights structure of a non-U.S. company that is not prohibited by the company's home country law. Nasdaq also believes the proposed amendments to Listing Rules 5620(c) and 5615(a)(4)(E) are designed to protect investors and the public interest because any company relying on the proposed exception from the Nasdaq Quorum Requirement will be required to make public disclosure on or through the Company's website and either by filing a Form 8–K, where required by SEC rules, or by issuing a press release explaining the company's reliance on the exception.

Nasdaq believes that the proposed requirement that such website disclosure is maintained for the period of time the company continues to rely on the exception from the quorum requirements is designed to protect investors and the public interest because such website disclosure would help assure continuous transparency. Nasdaq also believes that the proposed requirement to update the website disclosure at least annually to indicate that the company continues to be prohibited under its home country law from complying with Nasdaq's quorum requirements as of the date of such update is designed to protect investors and the public interest because such disclosure would help Nasdaq assure that the exception remains appropriate.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will address conflicting requirements of jurisdictions currently affecting only one company, as described above; and as such, these changes are neither intended to, nor expected to, impose any burden on competition.

*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. Discussion and Commission Findings

The Commission has carefully reviewed the proposed rule change, as modified by Amendment No. 1, and finds that it is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[21] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act,[22] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and are not designed to

[17] Nasdaq notes that under Listing Rule 5101 Nasdaq has broad discretionary authority to deny initial listing, apply additional or more stringent criteria for the initial or continued listing of particular securities, or suspend or delist particular securities based on any event, condition, or circumstance that exists or occurs that makes initial or continued listing of the securities on Nasdaq inadvisable or unwarranted in the opinion of Nasdaq, even though the securities meet all enumerated criteria for initial or continued listing on Nasdaq.

[18] The proposed modified Nasdaq Quorum Requirement will apply only in circumstances where the company's home country law specifically prohibits the company from establishing a higher quorum required by the Nasdaq Quorum Requirement, whereas Listing Rule IM–5640 allows Nasdaq to accept any voting rights structure of a non-U.S. company that is not prohibited by the company's home country law.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78f. In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[22] 15 U.S.C. 78f(b)(4) and (5).

permit unfair discrimination between customers, issuers, brokers, or dealers.

The development and enforcement of meaningful corporate governance listing standards for a national securities exchange is of substantial importance to financial markets and the investing public, especially given investor expectations regarding the nature of companies that have achieved an exchange listing for their securities. The corporate governance standards embodied in the listing standards of national securities exchanges, in particular, play an important role in assuring that exchange-listed companies observe good governance practices including safeguarding the interests of shareholders.[23]

As discussed above, current Nasdaq Listing Rule 5620(c) states that a company that is not a limited partnership must provide for a quorum as specified in its by-laws for any meeting of the holders of common stock; provided, however, that in no case shall such quorum be less than 33⅓% of the outstanding shares of the company's common voting stock, and current Nasdaq Listing Rule 5615(a)(4)(E) states that the quorum requirements for a meeting of limited partners shall not be less than 33⅓% of the limited partnership interests outstanding. The Exchange proposes to modify the Nasdaq Quorum Requirement to allow Nasdaq to accept a quorum of less than 33⅓% of the outstanding shares of a company's common voting stock or limited partnership interests where the company is incorporated outside of the U.S. and such company's home country law prohibits the company from establishing a quorum that satisfies the Nasdaq Quorum Requirement and the company cannot obtain an exemption or waiver from that law.[24]

The Commission has carefully considered the proposal and finds that the proposed rule change is consistent with the Act. The proposed rules would only allow the exception to the Nasdaq Quorum Requirement under limited circumstances where a non-U.S. company's home country law prohibits the company from establishing a quorum that satisfies the Nasdaq Quorum Requirement, and the company cannot obtain an exemption or waiver from that law.[25] The company would be required to obtain a written statement from an independent counsel in the company's home country describing the home country law that conflicts with the Nasdaq Quorum Requirement and certifying that the company is prohibited from complying with the Nasdaq Quorum Requirement and that the company cannot obtain an exemption or waiver from that law.[26] According to the Exchange, the proposed rule change would currently affect only one listed company.[27] The Exchange states that the proposal would eliminate the conflict between the Nasdaq Quorum Requirement and the company's home country laws, which currently would force a company that follows the law in its home jurisdiction to be in violation of the Nasdaq Quorum Requirement, and would result in delisting.[28]

In addition, the Exchange states that it has allowed issuers to rely on home country rules in other contexts. The Exchange notes that it allows foreign private issuers to rely on home country practices in lieu of the Nasdaq Quorum Requirement.[29] Further, the Exchange states that the Exchange takes a similar approach in Listing Rule IM–5640, which allows Nasdaq to accept any action or issuance relating to the voting rights structure of a non-U.S. company that is not prohibited by the company's home country law.[30]

The proposed rules require that any company relying on the proposed exception from the Nasdaq Quorum Requirement make a public announcement on or through the company's website and by filing either a Form 8–K, where required by Commission rules, or by issuing a press release explaining the company's reliance on the exception.[31] Such website disclosure would be required to be maintained for the period of time the company continues to rely on the exception from the quorum requirements, and the company would be required to update the website disclosure at least annually to indicate that the company continues to be prohibited under its home country law from complying with Nasdaq's quorum requirements as of the date of such update. The Commission believes that such requirements will help to maintain transparency for investors and assist the Exchange in ensuring that the exception remains applicable to a company.[32]

For the reasons discussed above, the Commission believes that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Exchange Act.

## IV. Solicitation of Comments on Amendment No. 1 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 1 to the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2020–100 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2020–100. 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

[23] *See, e.g.,* Securities Exchange Act Release No. 76814 (Dec. 31, 2015), 81 FR 820 (Jan. 7, 2016) (NYSE–2015–02) (approving amendments to the NYSE Listed Company Manual to exempt early stage companies from having to obtain shareholder approval in certain circumstances). *See also* Securities Exchange Act Release No. 48108 (June 30, 2003), 68 FR 39995 (July 3, 2003) (approving equity compensation shareholder approval rules of both the NYSE and the National Association of Securities Dealers, Inc. n/k/a NASDAQ); and Securities Exchange Act Release No. 58375 (August 18, 2008), 73 FR 49498 (August 21, 2008) (In the Matter of the Application of BATS Exchange, Inc. for Registration as a National Securities Exchange) (order approving registration of BATS Exchange, Inc. noting that qualitative listing requirements are designed to ensure that companies trading on a national securities exchange will adequately protect the interest of public shareholders).

[24] *See* proposed Listing Rules 5620(c) and 5615(a)(4)(E).

[25] *See id.*

[26] *See id.*

[27] *See* Amendment No. 1, *supra* note 6 at 14. The Exchange states that the proposed changes currently would affect only one listed company, DBV, which has been listed on Nasdaq since 2014. *See supra* note 11. DBV previously qualified as a foreign private issuer, and therefore relied on home country practices in lieu of the Nasdaq Quorum Requirement. *See id.* As of June 30, 2020, DBV determined that it no longer qualified as a foreign private issuer and would be required to comply with the Commission rules for domestic issuers as of January 1, 2021. The Exchange states that the proposed rule change would allow DBV to continue to follow French law quorum requirements, as it has been doing, while remaining listed on Nasdaq. *See id.*

[28] *See supra* Section II.A.2.

[29] *See supra* Section II.A.2. *See also supra* note 11.

[30] *See supra* note 18 and accompanying text.

[31] *See* proposed Listing Rules 5620(c) and 5615(a)(4)(E).

[32] Additionally, a company would have to verify that there are no changes to home country law that would allow it to comply with the Nasdaq Quorum Requirement, or receive a waiver or exemption from home country law, at least annually when updating its website disclosure that the company is still relying on the exception.

post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2020–100, and should be submitted on or before May 11, 2021.

## VI. Accelerated Approval of the Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of notice of the filing of Amendment No. 1 in the **Federal Register**. The Commission notes that Amendment No. 1 clarifies the proposed rule change. In particular, Amendment No. 1: (1) Clarified that the rule applies to a non-U.S. company that is not a Foreign Private Issuer; (2) stated that the alternative quorum requirement will be applicable only if the company cannot obtain an exemption or waiver from the company's home country law requirement; (3) stated that Nasdaq ''will'' accept an alternative quorum requirement if the company's home country law conflicts with the Nasdaq requirement and the other conditions of the rule are met (as described above); (4) stated that a company relying on the exception must: (i) Make a public announcement as promptly as possible but not more than four business days following the submission of the independent counsel's statement to Nasdaq, on or through the company's website and either by filing a Form 8–K, where required by SEC rules, or by issuing a press release explaining the company's reliance on the exception, (ii) maintain the website disclosure for the period of time the company continues to rely on this exception from the quorum requirements, and (iii) update the website disclosure at least annually to indicate that the company is prohibited from complying with Nasdaq's quorum requirements as of such date; (5) clarified that the proposed rule change will address conflicting requirements of jurisdictions currently affecting only one company; and (6) stated that the Exchange's acceptance of any quorum requirement is subject to Nasdaq's discretionary authority under Listing Rule 5101. In addition, the Exchange made other clarifying, conforming, and technical changes.[33] The changes in Amendment No. 1 should help to provide greater transparency in the Exchange's rules by requiring companies to provide public disclosure regarding reliance on the exception. In addition, Amendment No. 1 provides greater clarity to the proposal and provides greater transparency about the application of the rule changes being adopted herein. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[34] to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

## VII. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,[35] that the proposed rule change (SR–NASDAQ–2020–100), as modified by Amendment No. 1, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[36]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08047 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

[33] *See supra* note 6.

[34] 15 U.S.C. 78s(b)(2).

[35] *Id.*

[36] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91550; File No. SR–NYSECHX–2021–06]**

## Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Current Pilot Program Related to Rule 7.10

April 14, 2021.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 2, 2021, the NYSE Chicago, Inc. (''NYSE Chicago'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the current pilot program related to Rule 7.10 (Clearly Erroneous Executions) to the close of business on October 20, 2021. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule change is to extend the current pilot

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

program related to Rule 7.10 (Clearly Erroneous Executions) to the close of business on October 20, 2021. The pilot program is currently due to expire on April 20, 2021.

On September 10, 2010, the Commission approved, on a pilot basis, changes to Article 20, Rule 10 that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[4] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[5] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[6]

These changes were originally scheduled to operate for a pilot period to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility (the ''Limit Up-Limit Down Plan'' or ''LULD Plan''),[7] including any extensions to the pilot period for the LULD Plan.[8] In April 2019, the Commission approved an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis.[9] In light of that change, the Exchange amended Article 20, Rule 10 to untie the pilot program's effectiveness from that of the LULD Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019.[10] After the Commission approved the Exchange's proposal to transition to trading on Pillar,[11] the Exchange amended the corresponding Pillar rule—Rule 7.10—to extend the pilot's effectiveness to the close of business on April 20, 2020,[12] October 20, 2020,[13] and subsequently, April 20, 2021.[14]

The Exchange now proposes to amend Rule 7.10 to extend the pilot's effectiveness for a further six months until the close of business on October 20, 2021. If the pilot period is not either extended, replaced or approved as permanent, the prior versions of paragraphs (c), (e)(2), (f), and (g) of Article 20, Rule 10 prior to being amended by SR–CHX–2010–13 shall be in effect, and the provisions of paragraphs (i) through (k) shall be null and void.[15] In such an event, the remaining sections of Article 20, Rule 10 would continue to apply to all transactions executed on the Exchange. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') will also file similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to Rule 7.10.

The Exchange does not propose any additional changes to Rule 7.10. Extending the effectiveness of these rules for an additional six months will provide the Exchange and other self-regulatory organizations additional time to consider whether further amendments to the clearly erroneous execution rules are appropriate.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[16] in general, and Section 6(b)(5) of the Act,[17] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning review of transactions as clearly erroneous. The Exchange believes that extending the clearly erroneous execution pilot under Rule 7.10 for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and other self-regulatory organizations consider whether further amendments to these rules are appropriate.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while the Exchange and other self-regulatory organizations consider whether further amendments to these rules are appropriate. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals to extend their respective clearly erroneous execution pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

[4] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–CHX–2010–13).

[5] *See* Securities Exchange Act Release No. 68802 (Feb. 1, 2013), 78 FR 9092 (Feb. 7, 2013) (SR–CHX–2013–04).

[6] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–CHX–2014–06).

[7] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[8] *See* Securities Exchange Act Release No. 71782 (March 24, 2014), 79 FR 17630 (March 28, 2014) (SR–CHX–2014–04).

[9] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (approving Eighteenth Amendment to LULD Plan).

[10] *See* Securities Exchange Act Release No. 85533 (April 5, 2019), 84 FR 14701 (April 11, 2019) (SR–NYSECHX–2019–04).

[11] *See* Securities Exchange Act Release No. 87264 (October 9, 2019), 84 FR 55345 (October 16, 2019) (SR–NYSECHX–2019–08). Article 20, Rule 10 is no longer applicable to any securities that trade on the Exchange.

[12] *See* Securities Exchange Act Release No. 87351 (October 18, 2019), 84 FR 57068 (October 24, 2019) (SR–NYSECHX–2019–13).

[13] *See* Securities Exchange Act Release No. 88591 (April 8, 2020), 85 FR 20771 (April 14, 2020) (SR–NYSECHX–2020–09).

[14] *See* Securities Exchange Act Release No. 90156 (October 13, 2020), 85 FR 66384 (October 19, 2020) (SR–NYSECHX–2020–29).

[15] *See* supra notes 4–6. The prior versions of paragraphs (c), (e)(2), (f), and (g) generally provided greater discretion to the Exchange with respect to breaking erroneous trades.

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [18] and Rule 19b–4(f)(6) thereunder.[19]

A proposed rule change filed under Rule 19b–4(f)(6) [20] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [21] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSECHX–2021–06 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–NYSECHX–2021–06. 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–NYSECHX–2021–06 and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08045 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6)(iii).

[22] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[23] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91551; File No. SR–NYSEArca–2021–22]**

## Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Current Pilot Program Related to Rule 7.10–E

April 14, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 2, 2021, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to extend the current pilot program related to Rule 7.10–E (Clearly Erroneous Executions) to the close of business on October 20, 2021. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule change is to extend the current pilot program related to Rule 7.10–E (Clearly Erroneous Executions) to the close of business on October 20, 2021. The pilot program is currently due to expire on April 20, 2021.

On September 10, 2010, the Commission approved, on a pilot basis, changes to Rule 7.10–E that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[4] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[5] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[6]

These changes were originally scheduled to operate for a pilot period to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility (the ''Limit Up-Limit Down Plan'' or ''LULD Plan''),[7] including any extensions to the pilot period for the LULD Plan.[8] In April 2019, the Commission approved an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis.[9] In light of that change, the Exchange amended Rule 7.10–E to untie the pilot program's effectiveness from that of the LULD Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019.[10] The Exchange later amended Rule 7.10–E to extend the pilot's effectiveness to the close of business on April 20, 2020,[11] October 20, 2020,[12] and subsequently, April 20, 2021.[13]

The Exchange now proposes to amend Rule 7.10–E to extend the pilot's effectiveness for a further six months until the close of business on October 20, 2021. If the pilot period is not either extended, replaced or approved as permanent, the prior versions of paragraphs (c), (e)(2), (f), and (g) shall be in effect, and the provisions of paragraphs (i) through (k) shall be null and void.[14] In such an event, the remaining sections of Rule 7.10–E would continue to apply to all transactions executed on the Exchange. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') will also file similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to Rule 7.10–E.

The Exchange does not propose any additional changes to Rule 7.10–E. Extending the effectiveness of Rule 7.10–E for an additional six months will provide the Exchange and other self-regulatory organizations additional time to consider whether further amendments to the clearly erroneous execution rules are appropriate.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[15] in general, and Section 6(b)(5) of the Act,[16] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning review of transactions as clearly erroneous. The Exchange believes that extending the clearly erroneous execution pilot under Rule 7.10–E for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and other self-regulatory organizations consider whether further amendments to these rules are appropriate.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while the Exchange and other self-regulatory organizations consider whether further amendments to these rules are appropriate. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals to extend their respective clearly erroneous execution

[4] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–NYSEArca–2010–58).

[5] *See* Securities Exchange Act Release No. 68809 (Feb. 1, 2013), 78 FR 9081 (Feb. 7, 2013) (SR–NYSEArca–2013–12).

[6] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–NYSEArca–2014–48).

[7] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[8] *See* Securities Exchange Act Release No. 71807 (March 26, 2014), 79 FR 18087 (March 31, 2014) (SR–NYSEArca–2014–32).

[9] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (approving Eighteenth Amendment to LULD Plan).

[10] *See* Securities Exchange Act Release No. 85532 (April 5, 2019), 84 FR 14708 (April 11, 2019) (SR–NYSEArca–2019–21).

[11] *See* Securities Exchange Act Release No. 87355 (October 18, 2019), 84 FR 57094 (October 24, 2019) (SR–NYSEArca–2019–75).

[12] *See* Securities Exchange Act Release No. 88590 (April 8, 2020), 85 FR 20791 (April 14, 2020) (SR–NYSEArca–2020–25).

[13] *See* Securities Exchange Act Release No. 90155 (October 13, 2020), 85 FR 66386 (October 19, 2020) (SR–NYSEArca–2020–88).

[14] *See supra* notes 4–6. The prior versions of paragraphs (c), (e)(2), (f), and (g) generally provided greater discretion to the Exchange with respect to breaking erroneous trades.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6) thereunder.[18]

A proposed rule change filed under Rule 19b–4(f)(6) [19] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [20] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2021–22 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–2021–22. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2021–22 and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08032 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[22] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91560; File No. SR–C2–2021–006]**

## Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Eliminate Existing Rule 3.30 (Qualification and Registration) and Incorporate by Reference Cboe Exchange, Inc. Chapter 3, Section B, in Its Entirety

April 14, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 9, 2021, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to eliminate existing Rule 3.30 and incorporate by reference Cboe Exchange, Inc. (''Cboe Options'') Chapter 3, Section B, in its

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

entirety. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/ctwo/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange previously adopted C2 Rule 3.30 (Qualification and Registration), which provides for registration requirements to ensure that associated persons of Trading Permit Holder (''TPH'') organizations attain and maintain specified levels of competence and knowledge pertinent to their functions. In general, the current rules: (1) Require that persons engaged in a TPH organization's securities business who are to function as representatives or principals register with the Exchange in the category of registration appropriate to their functions by passing one or more qualification examinations [5] and (2) exempt specified associated persons from the registration requirements.[6] The Exchange believes that current C2 Rule 3.30 is substantively identical to corresponding Rule 3.30 on its affiliate exchange, Cboe Options.[7] The Exchange notes that, other than Cboe Options Rule 3.30, the C2 rulebook incorporates by reference the remaining rules contained in Cboe Options Chapter 3, Section B, as such rules may be in effect from time to time.[8] However, the Exchange's rulebook is clear that Cboe Options Rule 3.30, which is contained in Cboe Options Chapter 3, Section B, does not apply to C2.

The Exchange no longer wishes to maintain an exception of Cboe Options Rule 3.30 to the incorporation by reference of Chapter 3, Section B as it does not believe it is necessary and may cause potential confusion. Additionally, Cboe Options has filed a proposed rule change to amend its registration rules, including Cboe Options Rule 3.30. The pending rule filing also proposes to adopt new rules under Cboe Options Chapter 3, Section B, related to registration requirements.[9] As most of Cboe Options Chapter 3, Section B is incorporated by reference into the Exchange's rulebook, the proposed new Cboe Options rules (and amendments to existing Cboe Options rules contained in Chapter 3, Section B other than Cboe Options Rule 3.30) would automatically apply to C2 upon that rule filing becoming operative. Since the Exchange does not incorporate by reference Cboe Options Rule 3.30 however, the proposed amendments to Cboe Options Rule 3.30 would not automatically apply to C2, even though Cboe Options Rule 3.30, as amended, would relate to, and even cross-reference, the proposed new Cboe Options rules that would apply to C2.[10] As such, the Exchange now proposes to eliminate the language that states Cboe Options Rule 3.30 does not apply to C2 and remove C2 Rule 3.30, which is identical to Cboe Options Rule 3.30, thereby incorporating by reference Cboe Options Rule 3.30 (which becomes incorporated by reference under the umbrella of the overall incorporation by reference of Cboe Options Chapter 3, Section B). The Exchange believes Cboe Options Rule 3.30 is within the same category of exchange rules otherwise incorporated into C2 Chapter 3, Section B by reference to Cboe Options Chapter 3, Section B (*i.e.* rules related to TPH Registration). Further, the incorporation by reference of Cboe Options Rule 3.30 into the Exchange's Chapter 3, Section B title is regulatory in nature.[11] The Exchange believes incorporating by reference the entire Cboe Options Chapter 3, Section B rules maintains consistency between C2 and Cboe Options rules, and helps ensure identical regulation of the Exchange's TPHs that are also Cboe Options TPHs and also ensures that C2-only TPHs are subject to consistent regulation as Cboe Options TPHs.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change does not make any substantive change to any of C2's rules. The proposed rule change is merely intended to incorporate by reference the entirety of Cboe Options Chapter 3, Section B rules in the C2 rulebook, instead of excluding a single Cboe Options Rule from incorporation (*i.e.,* Cboe Options Rule 3.30) which currently is substantively identical to the corresponding C2 Rule (*i.e.,* C2 Rule 3.30). Indeed, the proposed rule change makes no substantive changes to the C2 rulebook: It does not alter any of the

[5] *See* C2 Options Rule 3.30(a)(1).

[6] *See* C2 Options Rule 3.30(a)(2).

[7] *See* Cboe Options Rule 3.30 (Qualification and Registration of Trading Permit Holders and Associated Persons).

[8] *See* Exchange Act Release No. 91203 (February 24, 2021), 86 FR 12251 (March 2, 2021). As a condition of the exemption approved by the Commission pursuant to Section 36 of the Act, the Exchange agreed to provide written notice to its members whenever Cboe Option proposes a change to its Chapter 3, Section B rules. The Exchange provides such notice via a posting on the same website location where the Exchange posts its own rule filings pursuant to Rule 19b–4 within the timeframe required by such rule. Such notice alerts Exchange members to the proposed Cboe Options rule change and gives them an opportunity to comment on the proposal. The Exchange similarly informs its members in writing when the Commission approves any such proposed change.

[9] *See* SR–CBOE–2021–022.

[10] *Id.*

[11] Cboe Options Chapter 3, Section B rules are categories of rules that are not trading rules. *See* 17 CFR 200.30–3(a)(76) (contemplating such requests). In addition, several other Self-Regulatory Organizations (''SROs'') incorporate by reference similar regulatory rules of other SROs. *See, e.g.,* Exchange Act Release Nos. 57478 (March 12, 2008), 73 FR 14521 (March 18, 2008), 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006); 49260 (February 17, 2004), 69 FR 8500 (February 24, 2004).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

current rules incorporated by reference, and it incorporates by reference a rule (*i.e.,* Cboe Options 3.30), which is substantively identical to an existing rule (*i.e.,* C2 Rule 3.30), which would be removed. As such, the same rules currently applicable to C2 TPHs effectively will apply to TPHs upon effectiveness of this rule filing in the same manner, whether those rules are incorporated by reference to Cboe Options rules or included in C2's rules.

The Exchange also believes the proposed rule change is designed to promote just and equitable principles of trade, removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general protects investors and the public interest, by consolidating all of its rules related to TPH registration into a single rule set. Incorporating by reference Cboe Options Rule 3.30 into the Exchange's Chapter 3, Section B title will provide an easy reference for Exchange TPHs seeking to comply with registration and qualification requirements of both Cboe Options and C2. The Exchange believes the proposed change makes the Exchange's rulebook easier to read and follow, thus allowing market participants to better understand the rules of the Exchange, which will also result in less burdensome and more efficient regulatory compliance for market participants that are TPHs of both Cboe Options and C2. Also, as discussed, TPHs will be required to continue to comply with the substance of Cboe Options Rule 3.30, since the substance of Cboe Options Rule 3.30 is substantively identical.

Lastly, the Exchange believes that in light of the proposed rule changes to corresponding Cboe Options rules discussed above, incorporating by reference Cboe Options Rule 3.30 will promote efficient use of the Commission's and the Exchange's resources by avoiding duplicative rule filings that would otherwise be needed based on simultaneous changes to identical rule text sought by more than one SRO (*i.e.,* Cboe Options and C2).

*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. Particularly, the proposal is not intended to address any competitive issue. Rather, the Exchange is effectively incorporating by reference a Cboe Options rule (*i.e.,* Cboe Options Rule 3.30) to replace a current substantively identical Exchange rule (*i.e.,* C2 Rule 3.30) that is within the same category of exchange rules otherwise incorporated into C2 Chapter 3, Section B by reference (*i.e.,* Cboe Options Chapter 3, Section B, which contains rules related to TPH Registration). The Exchange is not amending the substance of its registration rules with this proposed rule change and therefore no TPH is impacted.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received written comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6) thereunder.[16]

The Exchange requested that the Commission waive the 30-day operative delay period after which a proposed rule change under Rule 19b–4(f)(6) becomes effective so that the Exchange can immediately update its rulebook to further align with the Cboe Options rulebook. This further alignment of rulebooks will help avoid any potential confusion that may be created by, as discussed above, all Cboe Options rules in Chapter 3, Section B currently being incorporated by reference in the C2 rulebook with the exception of Cboe Options Rule 3.30. Additionally, and as also discussed above, Cboe Options has filed a separate proposed rule change to amend certain registration rules, including Cboe Options Rule 3.30.[17] As a result, waiving the 30-day operative delay period for this proposed rule change will allow the separate proposed rule changes to amend the Cboe Options rulebook to automatically apply to the C2 rulebook. This, in turn, will not only maintain consistency between the C2 and Cboe Options rulebooks, but it will also avoid the need for duplicative proposed rule change filings by two separate, but related, SROs that are based on simultaneous changes to otherwise identical rule text. For these reasons, the Commission believes that waiver of the 30-day operative delay for this proposal is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2021–006 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2021–006. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] *See* SR–CBOE–2021–022.

[18] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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–C2–2021–006 and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08038 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

[19] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91554; File No. SR–CboeEDGX–2021–019]**

## Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Current Pilot Program Related to EDGX Rule 11.15, Clearly Erroneous Executions, to the Close of Business on October 20, 2021

April 14, 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 April 5, 2021, Cboe EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the current pilot program related to EDGX Rule 11.15, Clearly Erroneous Executions, to the close of business on October 20, 2021. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of this filing is to extend the effectiveness of the Exchange's current rule applicable to Clearly Erroneous Executions to the close of business on October 20, 2021. Portions of Rule 11.15, explained in further detail below, are currently operating as a pilot program set to expire on April 20, 2021.[5]

On September 10, 2010, the Commission approved, on a pilot basis, changes to EDGX Rule 11.15 that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[6] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[7] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[8]

On December 26, 2018, the Commission published the proposed Eighteenth Amendment[9] to the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'')[10] to allow the Plan to operate on a permanent, rather than pilot, basis. On April 8, 2019, the Exchange amended EDGX Rule 11.15 to untie the pilot program's effectiveness from that of the Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019 in order allow the Exchange and other national securities exchanges additional time to consider further amendments, if any, to the clearly erroneous execution rules in light of the proposed Eighteenth Amendment to the Plan.[11] On April 17,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 90233 (October 20, 2020), 85 FR 67787 (October 26, 2020) (SR–CboeEDGX–2020–051).

[6] *See* Securities Exchange Act Release No. 62886 (September 10, 2010), 75 FR 56613 (September 16, 2010) (SR–EDGX–2010–03).

[7] *See* Securities Exchange Act Release No. 68814 (February 1, 2013), 78 FR 9086 (February 7, 2013) (SR–EDGX–2013–06).

[8] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–EDGX–2014–12).

[9] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (File No. 4–631) (''Eighteenth Amendment'').

[10] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[11] *See* Securities Exchange Act Release No. 87364 (April 10, 2019), 84 FR 15652 (April 16, 2019) (SR–CboeEDGX–2019–018).

2019, the Commission published an approval of the Eighteenth Amendment to allow the Plan to operate on a permanent, rather than pilot, basis.[12] On October 21, 2019, the Exchange amended EDGX Rule 11.15 to extend the pilot's effectiveness to the close of business on April 20, 2020.[13] On March 18, 2020, the Exchange amended EDGX Rule 11.15 to extend the pilot's effectiveness to the close of business on October 20, 2020.[14] Finally, on October 20, 2020, the Exchange amended EDGX Rule 11.15 to extend the pilot's effectiveness to the close of business on April 20, 2021.[15]

The Exchange now proposes to amend EDGX Rule 11.15 to extend the pilot's effectiveness to the close of business on October 20, 2021. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') have filed similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to EDGX Rule 11.15.[16]

The Exchange does not propose any additional changes to EDGX Rule 11.15. The Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a limited six month pilot basis. As the Plan was approved by the Commission to operate on a permanent, rather than pilot, basis the Exchange intends to assess whether additional changes should also be made to the operation of the clearly erroneous execution rules. Extending the effectiveness of EDGX Rule 11.15 for an additional six months should provide the Exchange and other national securities exchanges additional time to consider further amendments, if any, to the clearly erroneous execution rules.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[17] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[18] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[19] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that extending the clearly erroneous execution pilot under EDGX Rule 11.15 for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange understands that FINRA and other national securities exchanges have or will also file similar proposals to extend their respective clearly erroneous execution pilot programs.[20] Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No comments were solicited or received on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[21] and Rule 19b–4(f)(6) thereunder.[22]

A proposed rule change filed under Rule 19b–4(f)(6)[23] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[24] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[25]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if

[12] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (File No. 4–631).

[13] *See* Securities Exchange Act Release No. 87367 (October 21, 2019), 84 FR 57519 (October 25, 2019) (SR–CboeEDGX–2019–062).

[14] *See* Securities Exchange Act Release No. 88500 (March 27, 2020), 85 FR 18628 (April 2, 2020) (SR–CboeEDGX–2020–013).

[15] *See* supra note 5.

[16] *See* SR–FINRA–2021–004 (Filed March 15, 2021).

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *Id.*

[20] *See* supra note 16.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[23] 17 CFR 240.19b–4(f)(6).

[24] 17 CFR 240.19b–4(f)(6)(iii).

[25] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CboeEDGX–2021–019 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2021–019. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2021–019 and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08035 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91559; File No. SR–CboeEDGX–2021–020]**

## Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule

April 14, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 7, 2021, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX Options'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend its Fees Schedule for its options platform (''EDGX Options'') by updating certain Customer-related fee codes, amending certain Customer-related volume tiers, and amending the Fees Schedule to reflect the adoption of the Penny Program on a permanent basis.[3]

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than 15% of the market share and currently the Exchange represents only approximately 4% of the market share.[4] Thus, in such a low-concentrated and highly competitive market, no single options exchange, including the Exchange, possesses significant pricing power in the execution of option order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily

[26] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee changes on April 1, 2021 (SR–CboeEDGX–2021–017). On April 7, 2021, the Exchange withdrew that filing and submitted this proposal.

[4] *See* Cboe Global Markets U.S. Options Market Monthly Volume Summary (March 24, 2021), available at *https://markets.cboe.com/us/options/market_statistics/*.

trade on competing venues if they deem pricing levels at those other venues to be more favorable.

The Exchange's Fees Schedule sets forth standard rebates and rates applied per contract. For example, the Exchange provides standard rebates ranging from $0.01 up to $0.21 per contract for Customer orders in both Penny and Non-Penny Securities. The Fee Codes and Associated Fees section of the Fees Schedule also provides for certain fee codes associated with certain order types and market participants that provide for various other fees or rebates. Fee code ZA, for example, is appended to Customer complex orders which execute against a contra non-Customer order in Penny Securities and currently offers a rebate of $0.45 per contract. Similarly, fee code ZB is appended to Customer complex orders which execute against a contra non-Customer order in non-Penny Securities and currently offers a rebate of $0.80 per contract. Fee code BC is appended to Customer Agency orders executed in the Automated Improvement Mechanism (''AIM'' or ''AIM Auction'') and currently offers a rebate of $0.11 per contract. Additionally, the Fee Schedule offers tiered pricing which provides Members [5] opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Footnote 1 of the Fee Schedule currently offers three Complex Customer Penny Tiers which provide enhanced rebates between $0.47 and $0.49 per contract for qualifying Customer orders that yield fee code ZA where a Member meets certain liquidity thresholds, and three Complex Customer Non-Penny Tiers which provide enhanced rebates between $0.85 and $0.95 per contract for qualifying Customer orders that yield fee code ZB for Members that meet certain liquidity thresholds. Footnote 9 of the Fee Schedule currently also offers an AIM Volume Tier which provides an enhanced rebate of $0.14 for qualifying Customer orders that yield fee code BC where a Member meets the tier's volume threshold.

The Exchange proposes to amend the rebate amounts provided to orders yielding fee codes ZA, ZB, and BC, the Customer Complex Penny and Non-Penny Tiers, and the AIM Volume Tier. As described above, qualifying Customer orders yielding fee codes ZA, ZB, and BC are currently provided a rebate in the amount of $0.45, $0.80, and $0.11 per contract, respectively. The proposed rule change proposes to incrementally decrease each of these amounts to a rebate of $0.39 per contract for orders yielding fee code ZA, $0.75 per contract for orders yielding fee code ZB, and $0.06 for orders yielding fee code BC. The proposed rule change also reflects the change in these amounts in the Fee Codes and Associated Fees section of the Fee Schedule, as well as in Footnote 6 (AIM and SAM Pricing) and Footnote 8 (Complex Order Types) of the Fee Schedule. The Exchange notes that these rates for Customer orders are in line with, yet also competitive with, rates assessed by other options exchanges, which offer lower rates for Customer orders but more volume incentive opportunities for enhanced pricing (which the Exchange also proposes to incorporate for Customer orders herein this proposal).[6]

The proposed rule change amends the Customer Complex Penny Tiers. Currently, Tier 1 offers an enhanced rebate of $0.47 per contract for a Member's qualifying orders (*i.e.,* yielding fee code ZA) if a Member has an ADV [7] in Customer orders greater than or equal to 0.40% of average OCV.[8] Tier 2 currently offers an enhanced rebate of $0.48 per contract for qualifying orders if a Member has an ADV in Customer orders greater than or equal to 0.55% of average OCV. Tier 3 currently offers an enhanced rebate of $0.49 per contract for qualifying orders if a Member has an ADV in Customer orders greater than or equal to 0.75% of average OCV. The proposed rule change amends the Customer Complex Penny Tiers by modestly reducing the enhanced rebate amount offered per each tier, modestly reducing the percentage of average OCV that a Member's ADV in Customer orders must reach in Tier 1 and Tier 2, adding an alternative prong of criteria in each tier, and adopting two new tiers, Tier 4 and Tier 5. The proposed rule change reduces the enhanced rebate offered by Tier 1 from $0.47 to $0.40, by Tier 2 from $0.48 to $0.45, and by Tier 3 from $0.49 to $0.47. The proposed rule change reduces the percentage of average OCV that a Member's ADV in Customer orders must meet in Tier 1 from 0.40% to 0.25% and in Tier 2 from 0.55% to 0.50%. The proposed rule change adds an alternative prong of criteria regarding a Member's ADV in complex non-crossing orders (that is, orders not executed in a two sided auction mechanism such as AIM or the Solicitation Auction Mechanism (''SAM'') or in a crossing mechanism such as a Qualified Contingent Cross (''QCC'')) as a percentage of average OCV in each tier that a Member may choose to meet in lieu of the existing criteria (Customer order ADV as a percentage of average OCV) to receive the corresponding enhanced rebate. Specifically, a Member may reach the proposed alternative criteria in Tier 1 if the Member has an ADV in complex non-crossing orders that is greater than or equal to 0.10% of average OCV, the proposed alternative criteria in Tier 2 if the Member has an ADV in complex non-crossing orders that is greater than or equal to 0.25% of average OCV, and the proposed alternative criteria in Tier 3 if the Member has an ADV in complex non-crossing orders that is greater than or equal to 0.45% of average OCV. Finally, the proposed rule change adopts Tier 4, which provides an enhanced rebate of $0.49 per contract for qualifying orders if a Member has an ADV in complex non-crossing orders greater than or equal to 0.60% of average OCV or if a Member has an ADV in Customer orders greater than or equal to 1.00% of average OCV, and adopts Tier 5, which provides an enhanced rebate of $0.50 per contract for qualifying orders if a Member has an ADV in complex non-crossing orders greater than or equal to 1.00% of average OCV or Member has an ADV in Customer orders greater than or equal to 2.00% of average OCV.

The proposed rule change amends the Customer Complex Non-Penny Tiers. Currently, Tier 1 offers an enhanced rebate of $0.85 per contract for a Member's qualifying orders (*i.e.,* yielding fee code ZB) if a Member has an ADV in Customer orders greater than or equal to 0.40% of average OCV. Tier 2 currently offers an enhanced rebate of $0.87 per contract for qualifying orders if a Member has an ADV in Customer orders greater than or equal to 0.55% of average OCV. Tier 3 currently offers an enhanced rebate of $0.95 per contract

[5] *See* Exchange Rule 1.5(n).

[6] *See e.g.,* MIAX Emerald Options Exchange Fee Schedule, Section 1(a)(i). Section 1(a)(i) provides a range of base rebates for customer Penny and Non-Penny transactions depending on meeting various volume tiers (Section 1(a)(ii)). For example, base rebates for Customer complex transactions in Penny classes range from $0.25 to $0.50 and for Customer complex transaction in non-Penny classes range from $0.40 to $0.87; *see also* MIAX Options Fee Schedule, Section 1(a)(v) which offers a base rate of $0.00 for Customer transactions in MIAX's auction mechanism (''PRIME''), and Section 1(a)(iii), which then offers a rebate of $0.10 or $0.11 for Customer transactions in PRIME if a member meets certain volume thresholds.

[7] ''ADV'' means average daily volume calculated as the number of contracts added or removed, combined, per day.

[8] ''OCC Customer Volume or ''OCV'' means the total equity and ETF options volume that clears in the Customer range at the Options Clearing Corporation (''OCC'') for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close.

for qualifying orders if a Member has an ADV in Customer orders that is greater than or equal to 0.75% of average OCV. In particular, the proposed rule change amends the Customer Complex Non-Penny Tiers by modestly reducing the enhanced rebate amount offered in Tier 1 and Tier 2, modestly increasing the percentage of average OCV that a Member's ADV in Customer orders must reach in each tier, adding an alternative prong of criteria in each tier, and adopting new Tier 4. The proposed rule change reduces the enhanced rebate offered by Tier 1 from $0.85 to $0.80 and by Tier 2 from $0.87 to $0.85. The proposed rule change increases the percentage of average OCV that a Member's ADV in Customer orders must meet in Tier 1 from 0.40% to 0.50%, in Tier 2 from 0.55% to 0.75%, and in Tier 3 from 0.75% to 1.00%. The proposed rule change adds an alternative prong of criteria regarding a Member's ADV in complex non-crossing orders as a percentage of average OCV in each tier that a Member may choose to meet in lieu of the existing criteria (Customer order ADV as a percentage of average OCV) to receive a corresponding enhanced rebate. Specifically, a Member may reach the proposed alternative criteria in Tier 1 if the Member has an ADV in complex non-crossing orders that is greater than or equal to 0.25% of average OCV, the proposed alternative criteria in Tier 2 if the Member has an ADV in complex non-crossing orders that is greater than or equal to 0.45% of average OCV, and the proposed alternative criteria in Tier 3 if the Member has an ADV in complex non-crossing orders that is greater than or equal to 0.60% of average OCV. Finally, the proposed rule change adopts Tier 4, which provides an enhanced rebate of $1.00 per contract for qualifying orders if a Member has an ADV in complex non-crossing orders greater than or equal to 1.00% of average OCV or if a Member has an ADV in Customer orders greater than or equal to 2.00% of average OCV.

The proposed rule change to the existing Customer Complex Penny/Non-Penny Tiers eases the overall difficulty in reaching the tiers' criteria by adding an alternative criteria option that Members may choose to meet in lieu of the existing criteria and amends the enhanced rebates to correspond with the ease in criteria. While the proposed change incrementally increases the ADV as a percentage of average OCV in the existing Customer Complex Non-Penny Tiers' criteria, the Exchange notes that the overall difficulty of meeting the criteria in these existing tiers is eased by the opportunity to meet alternative criteria. Also, as a result of the increase in the percentage of Customer order ADV in the existing Customer Complex Non-Penny Tiers, the proposed corresponding enhanced rebates are not as reduced as the proposed enhanced rebates that correspond to the less difficult criteria (due to the addition of the alternative criteria plus the decrease in ADV as a percentage of average OCV) proposed in the existing Customer Complex Penny Tiers. The proposed overall ease in criteria and new tiers offered under the Customer Complex Penny/Non-Penny Tiers provide Members an additional opportunity to receive a rebate on their qualifying Customer complex orders (*i.e.,* yielding fee code ZA and ZB), which, in turn, provides Members with increased incentives to increase their Customer order flow and their overall complex non-crossing order flow in order to achieve the proposed eased and/or additional criteria and receive enhanced rebates on their qualifying Customer complex orders.

The proposed rule change also amends the AIM Volume Tier. Currently, Tier 1 offers an enhanced rebate of $0.14 per contract for a Member's qualifying orders (*i.e.* yielding fee code BC) if a Member has an ADV in Customer Orders greater than or equal to 0.35% of average OCV. The proposed rule change adopts a new Tier 1 (and, as a result, updates current Tier 1 to Tier 2),[9] which offers an enhanced rebate of $0.11 per contract for qualifying orders if a Member has an ADV in Customer Orders greater than or equal to 0.30% of average OCV. The proposed rule change also incrementally increases the percentage of a Member's Customer Order ADV into average OCV from 0.35% to 0.50% in Tier 2 (current Tier 1). The corresponding enhanced rebate remains the same Like the proposed additional Customer Complex Penny/Non-Penny Tiers, the proposed new AIM Volume Tier provide Members with an additional opportunity to achieve tier criteria and receive an enhanced rebate, thus providing further incentive to submit Customer order flow to the Exchange.

The Exchange believes that the proposed changes to the Customer Complex Penny/Non-Penny Tiers and AIM Volume Tiers are designed overall to incentivize more Customer order flow and to direct an increase of order flow to the EDGX Options Order Book. The Exchange believes that an increase in Customer order flow and overall order flow to the Exchange's Book creates more trading opportunities, which, in turn attracts Market-Makers. A resulting increase in Market-Maker activity may facilitate tighter spreads, which may lead to an additional increase of order flow from other market participants, further contributing to a deeper, more liquid market to the benefit of all market participants by creating a more robust and well-balanced market ecosystem.

Finally, the proposed rule change updates the term ''Penny Pilot'' throughout the Fee Schedule to reflect the 2020 adoption of the pilot program on a permanent basis.[10] More specifically, on April 1, 2020 the Commission approved an amendment the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options (the ''OLPP'') to make permanent the Penny Pilot Program, and the Exchange accordingly conformed its Rules to the OLPP Program by deleting Interpretation and Policy .01 to Rule 21.5 (the ''Penny Pilot Rule''), replacing it with Rule 21.5(e) (Requirements for Penny Interval Program). As a result, the proposed rule change now updates the Fee Schedule to reflect the permanent Penny Program, as follows:

- Removes the term ''Pilot'' from the descriptions of fee codes PB, PC, PF, PM, PN, PO, PP, PT, RN, and RQ in the Fees Codes and Associated Fees section;[11]
- replaces ''Pilot'' with ''Program'' where applicable in the Standard Rates table, Footnote 4, Footnote 6, Footnote 8, and Marketing Fees table; and
- amends the term ''Penny Pilot Securities'' to reflect the definition of ''Penny Program Securities'' in the Definition section and updates the definition to reflect Rule 21.5(e), which now governs the Penny Program.

The Exchange believes that the proposed rule change will provide additional clarity in the Fee Schedule by updating references to the current permanent Penny Program and the corresponding Rule that now governs the program. The Exchange notes that the proposed rule change does not alter the securities eligible for the Penny Program nor any of the rates currently assessed for Penny Program Securities.

[9] As a result of the proposed additional tier, the proposed rule change also updates the heading of Footnote 9 from singular to plural ''Tiers.''

[10] *See* Securities Exchange Act Release No. 89080 (June 17, 2020), 85 FR 37722 (June 23, 2020) (SR–CboeEDGX–2020–028).

[11] The Exchange notes that this update harmonizes these fee code descriptions with existing fee code descriptions that currently refer to just ''Penny''.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[12] in general, and furthers the objectives of Section 6(b)(4),[13] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) [14] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The proposed rule change reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members.

The Exchange believes the proposed reduction in rebate amounts for orders yielding fee codes ZA, ZB, and BC is reasonable, equitable, and not unfairly discriminatory. The Exchange believes that amending the rebates for Customer orders yielding fee code ZA, ZB, or BC is reasonable because, as stated above, in order to operate in the highly competitive equities markets, the Exchange and its competing exchanges seek to offer similar pricing structures, including assessing comparable rates and offering multiple enhanced pricing opportunities for various types of orders. Thus, the Exchange believes the proposed rate changes (along with the proposed offering of additional tiered pricing opportunities) are reasonable as they are generally aligned with and competitive with the amounts assessed for similar Customer orders on other options exchanges.[15] The Exchange also believes that amending the rebate amounts associated with fee codes ZA, ZB, and BC represents an equitable allocation of fees and is not unfairly discriminatory because they will continue to automatically and uniformly apply to all Members' respective qualifying Customer orders.

The Exchange believes the proposed changes to the Customer Complex Penny/Non-Penny Tiers and AIM Volume Tier are reasonable overall because they amend the tiers in a manner that incentivizes increased Customer order flow and/or overall order flow to the EDGX Book by providing Members with additional opportunities to meet criteria, both via reduction in difficulty and additional tiers, in order to receive enhanced rebates a Member's qualifying orders. The Exchange notes that relative volume-based incentives and discounts have been widely adopted by exchanges,[16] including the Exchange,[17] and are reasonable, equitable and non-discriminatory because they are open to all members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. Additionally, as noted above, the Exchange operates in a highly competitive market. The Exchange is only one of several options venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. Competing options exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume and/or growth thresholds and offer comparable pricing to members for achieving such tiers.[18]

Specifically, the Exchange believes that the proposed changes to the Customer Complex Penny/Non-Penny Tiers and the AIM Volume Tier are reasonable, equitable, and not unfairly discriminatory. The Exchange believes that the additional, alternative criteria and modification of existing criteria in the Customer Complex Penny/Non-Penny Tiers are reasonable because they amend existing opportunities to receive enhanced rebates by easing the level of difficulty in each set of the three existing tiers and maintain the current structure of step-up in difficulty in achieving each ascending tier. The proposed new Customer Complex Penny/Non-Penny Tiers are reasonable because they provide Members with additional, also incrementally more challenging, opportunities to receive enhanced rebates. Likewise, the proposed new AIM Volume Tier 1 provides Members with an additional opportunity to achieve easier tier criteria (than that of current Tier 1) and receive an enhanced rebate, while slightly increasing the difficulty in reaching the criteria in the existing AIM Volume Tier (current Tier 1) to also reflect an incremental step-up in difficulty in the AIM Volume Tiers. The Exchange believes that the proposed additional opportunities in the Customer Penny/Non-Penny Tiers and AIM Volume Tiers for Members to receive enhanced rebates on their qualifying orders via new tiers and an overall ease in tier difficulty (while still maintaining the current structure of step-up in difficulty through ascending tiers) are reasonably designed to provide further incentive to Members to increase Customer order flow to the Exchange overall order flow directly to the Exchange's Book. As described above, Customer order flow and overall order flow to the Exchange's Book creates more trading opportunities, which, in turn attracts Market-Makers. A resulting increase in Market-Maker activity may facilitate tighter spreads, which may lead to an additional increase of order flow from other market participants. Increased overall order flow benefits all investors by deepening the Exchange's liquidity pool, potentially providing even greater execution incentives and opportunities, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency, and improving investor protection.

The Exchange further believes that the proposed changes to the enhanced rebate amounts and new enhanced rebates in the Customer Complex Penny/Non-Penny Tiers and AIM Volume Tiers are reasonable as they represent the proposed proportional decreases in difficulty per adjacent tiers. The Exchange believes that providing reduced enhanced rebates per tier is

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4).

[14] 15 U.S.C. 78f.(b)(5).

[15] *See supra* note 6.

[16] *See e.g.,* Cboe BZX U.S. Options Exchange Fee Schedule, Footnote 1, Customer Penny Add Volume Tiers; and Footnote 12, Customer Non-Penny Add Volume Tiers, both of which provide for various tiers with different, incrementally more difficult criteria, many of which are based on average volumes as a percentage of average OCV and offer enhanced rebates ranging from $0.35 to $1.06 per contract.

[17] *See i.e.,* Cboe EDGX U.S. Options Exchange Fee Schedule, Footnote 1, Customer Volume Tiers.

[18] *See supra* note 16.

reasonable as they are commensurate with the proposed criteria, in that, they are line with the easing the level of difficulty or the proposed new relative levels of difficulty in the Customer Complex Penny/Non-Penny Tiers and AIM Volume Tiers. Also, as noted above, while the proposed criteria changes to the existing Customer Complex Non-Penny Tiers decrease the overall difficulty in meeting the tiers' criteria, the difficulty in reaching the modified criteria in these tiers is incrementally greater than the difficulty in reaching the modified criteria in the proposed Customer Complex Penny Tiers. Therefore, Exchange believes it is reasonable to offer, as proposed, a slightly less reduced enhanced rebate per corresponding Customer Complex Non-Penny Tier. Also, the proposed reduced enhanced rebates and/or proposed additional enhanced rebates in the Customer Complex Penny/Non-Penny Tiers and AIM Volume Tiers, as applicable, do not represent a significant departure from the enhanced rebates currently offered under the tiers as the proposed rate changes merely incrementally shift the range of enhanced rebates offered to most appropriately align with the corresponding shift in criteria difficulty per each tier (existing and new).

The Exchange believes that the proposed changes to the Customer Complex Penny/Non-Penny Tiers and AIM Volume Tier represent an equitable allocation of rebates and are not unfairly discriminatory. All Members will continue to be eligible for the existing Customer Complex Penny/Non-Penny Tiers and AIM Volume Tier, as amended, and will be eligible for the proposed tiers by submitting the requisite order flow. The proposed changes to the tiers' criteria are designed as an incentive to any and all Members interested in meeting modified and new tier criteria to submit additional Customer orders and/or overall order flow directly to the Exchange's Book. Each Member will have the same opportunity to submit the requisite order flow and the corresponding enhanced rebates (existing and as amended) will apply uniformly to all Members that meet the modified or new tier criteria. Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for the proposed tiers. While the Exchange has no way of predicting with certainty how the proposed tiers will impact Member activity, the Exchange anticipates that at least one to three Members will be able to compete for and potentially achieve the amended criteria in each of the existing Customer Complex Penny Tiers and Customer Complex Non-Penny Tiers. The Exchange also anticipates at least one or two Members will be able to compete for and potentially achieve the two new Customer Complex Penny Tiers and new Customer Non-Penny Tier. The Exchange anticipates that approximately two to three Members will be able to compete for and potentially achieve each of the AIM Volume Tiers, as proposed. The Exchange also notes that the proposed tiers will not adversely impact any Member's pricing or their ability to qualify for other rebate tiers. Rather, should a Member not meet the proposed criteria for a tier, the Member will merely not receive the corresponding enhanced rebate.

Finally, the Exchange believes the proposed update to the Penny Program language and Rule reference in the Fee Schedule is reasonable, equitable and not unfairly discriminatory because it is intended to provide additional clarity in the Fee Schedule by updating references to the current permanent Penny Program and the corresponding Rule that now governs the program and does not alter the securities eligible for the Penny Program nor any of the rates currently assessed for Penny Program Securities.

*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 intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [19]

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed change to the rebate amounts associated with fee codes ZA, ZB, and BC will continue to apply uniformly and automatically to all Members' respective qualifying orders. The proposed tier changes apply to all Members equally in that all Members are eligible to achieve the tiers' proposed criteria, have a reasonable opportunity to meet the tiers' proposed criteria and will all receive the corresponding enhanced rebates (existing and as amended) if such criteria is met. Overall, the proposed change is designed to attract additional Customer order flow to the Exchange and overall order flow directly to the Exchange's Book. The Exchange believes that the modified and new tier criteria will incentivize market participants to strive to increase such order flow to the Exchange to receive the corresponding enhanced rebates and, as a result, increase trading opportunities, attract further Market-Maker activity, further incentivize the provision of liquidity and continued order flow to the Book, and improve price transparency on the Exchange. Greater overall order flow and pricing transparency benefits all market participants on the Exchange by generally providing a cycle of more trading opportunities, enhancing market quality, and continuing to encourage Members to submit order flow and continue to contribute towards a robust and well-balanced market ecosystem to the benefit of all market participants. The Exchange additionally notes that the proposed rule change to reflect the current Penny Program is noncompetitive, nonsubstantive and merely clarifying in nature.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including 15 other options exchanges and off-exchange venues and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single options exchange has more than 15% of the market share.[20] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send

[19] Securities Exchange Act Release No. 51808, 70 FR 37495, 37498–99 (June 29, 2005) (S7–10–04) (Final Rule).

[20] *See supra* note 3.

their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [21] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[22] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [23] and paragraph (f) of Rule 19b–4 [24] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2021–020 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2021–020. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change.

Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2021–020 and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08033 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

[21] See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[22] *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)).

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f).

[25] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91563; File No. SR–NYSENAT–2021–07]**

## Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.37

April 14, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 1, 2021, NYSE National, Inc. (''NYSE National'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend Rule 7.37 to specify when the Exchange may adjust its calculation of the PBBO. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend Rule 7.37 to specify when the Exchange may adjust its calculation of the PBBO.[4]

Generally, the Exchange updates both the PBBO and NBBO based on quote updates received from data feeds from Away Markets, which are disclosed in Rule 7.37(d).[5] In 2018, the Exchange described in a rule filing that when it routes interest to a protected quotation, the Exchange adjusts the PBBO.[6] The Exchange proposes to amend its rules to include that description in Rule 7.37 and provide additional specificity of when it may adjust its calculation of the PBBO.

As proposed, new paragraph (d)(2) of Rule 7.37 would provide:

The Exchange may adjust its calculation of the PBBO based on information about orders it sends to Away Markets with protected quotations, execution reports received from those Away Markets, and certain orders received by the Exchange.

This proposed rule text is consistent with the Exchange's disclosure in the Pillar Filing and adds specificity that the Exchange may adjust its calculation of the PBBO based on execution reports received from Away Markets and certain orders received by the Exchange.[7]

Proposed Rule 7.37(d)(2) is based on MEMX LLC (''MEMX'') Rule 13.4(b) with two non-substantive differences.[8] First, the Exchange proposes to use the term ''PBBO,'' which is the term used in the Exchange's rules for the best-priced protected quotations, instead of ''NBBO.'' Second, the Exchange proposes to refer to ''Away Markets,'' which is a defined term in Rule 1.1, instead of ''other venues.''

MEMX has not disclosed circumstances when ''certain orders received by the Exchange'' would result in an adjustment to its calculation of the PBBO, but the Exchange believes that when MEMX receives an ISO with a Day time in force (''Day ISO''), it adjusts its calculation of the PBBO. The Exchange proposes that it would also adjust its calculation of the PBBO based on receipt of a Day ISO, which is consistent with how Nasdaq Stock Market LLC (''Nasdaq'')[9] and Cboe BZX Exchange, Inc. (''BZX'')[10] function.

Specifically, the Exchange proposes that it would adjust its calculation of the PBBO upon receipt of a Day ISO Order that the Exchange displays. As described in Rule 7.37(e)(3)(C), a Day ISO is eligible for the exception to locking or crossing a protected quotation because the member organization simultaneously routes an ISO to execute against the full size of any locked or crossed protection quotations, *i.e.,* the member organization routes ISOs to trade with contra-side protected quotations on Away Markets that are priced equal to or better than the arriving Day ISO on the Exchange. Because receipt of a Day ISO informs the Exchange that the member organization has routed ISOs to trade with Away Market contra-side protected quotations priced equal to or better than the Day ISO, upon receipt and displaying of a Day ISO, the Exchange proposes to adjust its calculation of the PBBO to exclude any contra-side protected quotations that are priced equal to or better than the Day ISO.

- For example, if the best protected bid is 10.00, Exchange A is displaying a protected offer at 10.05, and Exchange B is displaying a protected offer at 10.09, the Exchange's calculation of the PBBO would be 10.00 x 10.05. If the Exchange receives a Day ISO for 100 shares to buy priced at 10.05 that is displayed on the Exchange at 10.05, the Exchange would adjust its calculation of the PBBO to be 10.05 x 10.09 and would use this updated PBBO for execution, routing, and re-pricing determinations.

If a Day ISO is displayed on the Exchange at a price less aggressive than its limit price (*e.g.,* a Day ISO ALO that, if displayed at its limit price, would lock displayed interest on the Exchange), the Day ISO still informs the Exchange that the member organization has routed ISOs to trade with contra-side protected quotations on Away Markets that are priced equal to or better than the *limit price* of arriving Day ISO on the Exchange. The Exchange would therefore use the limit price of the Day ISO ALO to determine how to adjust its calculation of the contra-side Away Market PBBO, provided that contra-side displayed interest on the Exchange equal to the limit price of the Day ISO ALO would not be considered cleared. The price at which the arriving Day ISO ALO would be displayed would be the price that informs the Exchange's calculation of the same-side PBBO.

For example, when the best protected bid is 10.00 and Exchange A is displaying a protected offer at 10.05 and the Exchange's best displayed offer is 10.07, the Exchange's calculation of the PBBO would be 10.00 x 10.05, then:

- If the Exchange receives ALO ''1'' to buy at 10.06, it would be displayed at 10.04 and be assigned a working price of 10.05, which is the PBO (displayed on Exchange A),[11] and the Exchange

[4] The term ''PBBO'' is defined in Rule 1.1 to mean the Best Protected Bid and the Best Protected Offer, which in turn mean the highest Protected Bid and the lowest Protected Offer, which refer to quotations in an NMS stock that is (i) displayed by an Automated Trading Center; (ii) disseminated pursuant to an effective national market system plan; and (iii) an Automated Quotation that is the best bid or best offer of a national securities exchange or the best bid or best offer of a national securities association. The term NBBO is defined to mean the national best bid and offer. The Exchange notes that the NBBO may differ from the PBBO because the NBBO includes Manual Quotations, which are defined as any quotation other than an automated quotation. 17 CFR 242.600(b)(37).

[5] The Exchange proposes non-substantive amendments to Rule 7.37–E(d) to update the names of the exchanges listed in the table by replacing the term ''NASDAQ'' with ''Nasdaq.''

[6] *See* Securities Exchange Act Release No. 83289 (May 17, 2018), 83 FR 23968 (May 23, 2018) (SR–NYSENat–2018–02) (Approval Order and Notice of filing of Amendment No. 1) (''Pillar Filing''). The full text of Amendment No. 1 of the Pillar Filing is available here: *https://www.nyse.com/publicdocs/nyse/markets/nyse-national/rule-filings/filings/2018/NYSENAT-2018-02,%20Am.1.pdf.*

[7] The Exchange does not adjust its calculation of the NBBO based on information about orders sent to Away Markets, execution reports from Away Markets, or certain orders received by the Exchange. *Id.*

[8] MEMX Rule 13.4(b) provides: ''The Exchange may adjust its calculation of the NBBO based on information about orders sent to other venues with protected quotations, execution reports received from those venues, and certain orders received by the Exchange.''

[9] *See* Nasdaq Rule 4703(j) (''Upon receipt of an ISO, the System will consider the stated price of the ISO to be available for other Orders to be entered at that price, unless the ISO is not itself accepted at that price level (for example, a Post-Only Order that has its price adjusted to avoid executing against an Order on the Nasdaq Book) or the ISO is not Displayed.'') and Securities Exchange Act Release No. 74558 (March 20, 2015) 80 FR 16050, 16068 (March 26, 2015) (SR–Nasdaq–2015–024) (Notice).

[10] *See* Securities Exchange Act Release No. 74074 (January 15, 2015), 80 FR 3679, 3680 (January 23, 2015) (SR–BATS–2015–04) (Notice of filing and immediate effectiveness of proposed rule change to clarify the use of certain data feeds) (''The Exchange's [matching engine] will update the NBBO upon receipt of a Day ISO. When a Day ISO is posted on the BATS Book, the [matching engine] uses the receipt of a Day ISO as evidence that the protected quotes have been cleared, and the ME does not check away markets for equal or better-priced protected quotes. . . . . In determining whether to route an order and to which venue(s) it should be routed, the [routing engine] makes its own calculation of the NBBO. . . . The [routing engine] does not utilize Day ISO Feedback in constructing the NBBO; however, because all orders initially flow through the [matching engine], to the extent Day ISO Feedback has updated the [matching engine's] calculation of the NBBO, all orders processed by the [routing engine] do take Day ISO Feedback into account.'') (''BZX Filing'').

[11] *See* Rule 7.31(e)(2)(B)(i).

would adjust the PBBO to be 10.04 x 10.05.

• If next, the Exchange receives Day ISO ALO ''2'' to buy at 10.07, the Exchange would be permitted to display that order at a price that crosses Exchange A's PBO because it is a Day ISO. However, because it locks the Exchange's best displayed offer, due to its ALO modifier, the Exchange would display Day ISO ALO ''2'' at 10.06 and it would have a working price of 10.06.[12] In this scenario, the Exchange proposes to adjust its calculation of the PBBO to be 10.06 x 10.07 and use this updated PBBO for execution, routing, and re-pricing determinations, including repricing the ALO ''1'' to buy to both work and display at its limit price of 10.06.

The Exchange believes that adjusting the PBBO in this manner is consistent with Regulation NMS because the member organization that submitted the Day ISO ALO to buy priced at 10.07 has represented that it has sent ISOs to trade with protected offers on other exchanges priced at 10.07 or lower. The only reason that such order would not be displayed at 10.07 on the Exchange is because it has an ALO modifier and cannot trade with the Exchange's displayed offer of 10.07. However, there is no restriction on that Day ISO ALO being displayed at 10.06, which crosses the Away Market PBO of 10.05. The Exchange believes in this circumstance, it is consistent with Regulation NMS for the Exchange to consider that any Away Market protected offers priced 10.07 or below have been cleared and therefore adjust its calculation of the contra-side Away Market PBBO for purposes of execution, routing, and repricing determinations based on the limit price of the Day ISO ALO.

The Exchange believes that the proposed amendments to Rule 7.37(d) would promote clarity and transparency in the Exchange's rules regarding circumstances when the Exchange may adjust its calculation of the PBBO. The Exchange does not believe this proposed rule change is novel. Rather, the Exchange believes that other equity exchanges that accept Day ISOs similarly adjust their calculation of the best protected bid and best protected offer for purposes of making execution, routing, and repricing determinations based on the receipt of Day ISOs, as described above. The Exchange anticipates that it will implement the technology change to how it calculates the PBBO in May 2021.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[14] in particular, because 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 and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system because it is designed to promote clarity and transparency in Exchange rules of when the Exchange may adjust its calculation of the PBBO. The Exchange believes that adjusting its calculation of the PBBO based on receipt of a Day ISO is consistent with Regulation NMS because the member organization that entered such Day ISO has also sent ISOs to Away Markets to trade with contra-side protected quotations priced equal to or better than the Day ISO. For the same reasons that displaying a Day ISO at a price that locks or crosses the PBBO is consistent with Regulation NMS, the Exchange believes that adjusting its calculation of the PBBO based on receipt and display of a Day ISO for purposes of making execution, routing, and repricing determinations for other orders is also consistent with Regulation NMS. The Exchange further notes that the proposed rule text is not novel and is based on MEMX Rule 13.4(b) and is consistent with Nasdaq rules and the BZX Filing.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

In accordance with Section 6(b)(8) of the Act,[15] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes are designed to promote transparency and clarity in Exchange rules regarding when the Exchange may adjust its calculation of the PBBO. The Exchange believes that the proposed rule change would promote competition because the Exchange proposes to adjust its calculation of the PBBO under similar circumstances that other equity exchanges adjust their calculation of the PBBO, including MEMX, Nasdaq, and BZX.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[16] and Rule 19b–4(f)(6) thereunder.[17] Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[18] of the Act to determine whether the proposed rule change should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

[12] *See* Rule 7.31(e)(3)(D)(ii). Currently, the Exchange would display such Day ISO ALO ''2'' at 10.06 and would adjust its calculation of the same-side PBBO and reprice same-side resting orders to the Day ISO price, but would not adjust its calculation of the contra-side PBBO for purposes of routing and execution determinations of new orders.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78f(b)(8).

[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6).

[18] 15 U.S.C. 78s(b)(2)(B).

including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSENAT–2021–07 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSENAT–2021–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSENAT–2021–07, and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08036 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

[19] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Investment Company Act Release No. 34245, File No. 812–15203]**

## Putnam ETF Trust, et al.

April 15, 2021.

**AGENCY:** Securities and Exchange Commission (''Commission'').

**ACTION:** Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under Section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

*Applicants:* Putnam ETF Trust (the ''Trust''), Putnam Investment Management, LLC (the ''Adviser''), and Foreside Fund Services, LLC (the ''Distributor'').

*Summary of Application:* Applicants request an order (''Order'') that permits: (a) The Funds (defined below) to issue shares (''Shares'') redeemable in large aggregations only (''creation units''); (b) secondary market transactions in Shares to occur at negotiated market prices rather than at net asset value; (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Shares for redemption; and (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of creation units. The relief in the Order would incorporate by reference terms and conditions of the same relief of a previous order granting the same relief sought by applicants, as that order may be amended from time to time (''Reference Order'').[1]

*Filing Date:* The application was filed on February 19, 2021 and amended on April 14, 2021.

*Hearing or Notification of Hearing:* An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on May 7, 2021, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

**ADDRESSES:** Secretary, U.S. Securities and Exchange Commission, *Secretarys-Office@sec.gov.* Applicants: Stephanie Capistron, Esq., Dechert LLP, *Stephanie.Capistron@dechert.com.*

**FOR FURTHER INFORMATION CONTACT:** Jean E. Minarick, Senior Counsel, at (202) 551–6811 or Kaitlin C. Bottock, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

### Applicants

1. The Trust is a business trust organized under the laws of Delaware and will consist of one or more series operating as a Fund. The Trust is registered as an open-end management investment company under the Act. Applicants seek relief with respect to Funds (as defined below), including the initial Funds (the ''Initial Funds''). The Funds will offer exchange-traded shares utilizing active management investment strategies as contemplated by the Reference Order.[2]

2. The Adviser, a Delaware limited liability company, will be the investment adviser to the Initial Funds.

[1] Fidelity Beach Street Trust, et al., Investment Company Act Rel. Nos. 33683 (Nov. 14, 2019) (notice) and 33712 (Dec. 10, 2019) (order). Applicants are not seeking relief under Section 12(d)(1)(J) of the Act for an exemption from Sections 12(d)(1)(A) and 12(d)(1)(B) of the Act (the ''Section 12(d)(1) Relief''), and relief under Sections 6(c) and 17(b) of the Act for an exemption from Sections 17(a)(1) and 17(a)(2) of the Act relating to the Section 12(d)(1) Relief, except as necessary to allow a Fund's receipt of Representative ETFs included in its Tracking Basket solely for purposes of effecting transactions in Creation Units (as these terms are defined in the Reference Order), notwithstanding the limits of Rule 12d1–4(b)(3). Accordingly, to the extent the terms and conditions of the Reference Order relate to such relief, they are not incorporated by reference herein other than with respect to such limited exception.

[2] To facilitate arbitrage, among other things, each day a Fund will publish a basket of securities and cash that, while different from the Fund's portfolio, is designed to closely track its daily performance.

Subject to approval by the Trust's board of trustees, an Adviser (as defined below) will serve as investment adviser to each Fund. The Adviser is, and any other Adviser will be, registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). An Adviser may enter into sub-advisory agreements with other investment advisers to act as sub-advisers with respect to the Funds (each a ''Sub-Adviser''). Any Sub-Adviser to a Fund will be registered under the Advisers Act.

3. The Distributor is a Delaware limited liability company and a broker-dealer registered under the Securities Exchange Act of 1934, as amended, and will act as the principal underwriter of Shares of the Funds. Applicants request that the requested relief apply to any distributor of Shares, whether affiliated or unaffiliated with the Adviser and/or Sub-Adviser (included in the term ''Distributor''). Any Distributor will comply with the terms and conditions of the Order.

**Applicants' Requested Exemptive Relief**

4. Applicants seek the requested Order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act and under Section 12(d)(1)(J) of the Act for an exemption from Sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested Order would permit applicants to offer Funds that operate as contemplated by the Reference Order. Because the relief requested is the same as certain of the relief granted by the Commission under the Reference Order and because the Adviser has entered into a licensing agreement with Fidelity Management & Research Company, or an affiliate thereof, in order to offer Funds that operate as contemplated by the Reference Order,[3] the Order would incorporate by reference the terms and conditions of the same relief of the Reference Order.

5. Applicants request that the Order apply to the Initial Funds and to any other existing or future registered open-end management investment company or series thereof that: (a) Is advised by the Adviser or any entity controlling, controlled by, or under common control with the Adviser (any such entity included in the term ''Adviser''); (b) offers exchange-traded shares utilizing active management investment strategies as contemplated by the Reference Order; and (c) complies with the terms and conditions of the Order and the terms and conditions of the Reference Order that are incorporated by reference into the Order (each such company or series and each Initial Fund, a ''Fund'').[4]

6. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the transaction is consistent with the policies of the registered investment company and the general purposes of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Applicants submit that for the reasons stated in the Reference Order the requested relief meets the exemptive standards under sections 6(c), 17(b) and 12(d)(1)(J) of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08120 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

[3] Certain aspects of how the Funds will operate (as described in the Reference Order) are the intellectual property of Fidelity Management & Research Company (or its affiliates).

[4] All entities that currently intend to rely on the Order are named as applicants. Any other entity that relies on the Order in the future will comply with the terms and conditions of the Order and the terms and conditions of the Reference Order that are incorporated by reference into the Order.

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91548; File No. SR–CboeBYX–2021–008]**

## Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Current Pilot Program Related to BYX Rule 11.17, Clearly Erroneous Executions, to the Close of Business on October 20, 2021

April 14, 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 April 5, 2021, Cboe BYX Exchange, Inc. (''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (''BYX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the current pilot program related to BYX Rule 11.17, Clearly Erroneous Executions, to the close of business on October 20, 2021. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of this filing is to extend the effectiveness of the Exchange's current rule applicable to Clearly Erroneous Executions to the close of business on October 20, 2021. Portions of Rule 11.17, explained in further detail below, are currently operating as a pilot program set to expire on April 20, 2021.[5]

On September 10, 2010, the Commission approved, on a pilot basis, changes to BYX Rule 11.17 that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[6] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[7] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[8]

On December 26, 2018, the Commission published the proposed Eighteenth Amendment[9] to the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'')[10] to allow the Plan to operate on a permanent, rather than pilot, basis. On April 8, 2019, the Exchange amended BYX Rule 11.17 to untie the pilot program's effectiveness from that of the Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019 in order allow the Exchange and other national securities exchanges additional time to consider further amendments, if any, to the clearly erroneous execution rules in light of the proposed Eighteenth Amendment to the Plan.[11] On April 17, 2019, the Commission published an approval of the Eighteenth Amendment to allow the Plan to operate on a permanent, rather than pilot, basis.[12] On October 21, 2019, the Exchange amended BYX Rule 11.17 to extend the pilot's effectiveness to the close of business on April 20, 2020.[13] On March 18, 2020, the Exchange amended BYX Rule 11.17 to extend the pilot's effectiveness to the close of business on October 20, 2020.[14] Finally, on October 20, 2020, the Exchange amended BYX Rule 11.17 to extend the pilot's effectiveness to the close of business on April 20, 2021.[15]

The Exchange now proposes to amend BYX Rule 11.17 to extend the pilot's effectiveness to the close of business on October 20, 2021. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') have filed similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to BYX Rule 11.17.[16]

The Exchange does not propose any additional changes to BYX Rule 11.17. The Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a limited six month pilot basis. As the Plan was approved by the Commission to operate on a permanent, rather than pilot, basis the Exchange intends to assess whether additional changes should also be made to the operation of the clearly erroneous execution rules. Extending the effectiveness of BYX Rule 11.17 for an additional six months should provide the Exchange and other national securities exchanges additional time to consider further amendments, if any, to the clearly erroneous execution rules.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[17] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[18] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[19] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that extending the clearly erroneous execution pilot under BYX Rule 11.17 for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure

[5] *See* Securities Exchange Act Release No. 90230 (October 20, 2020), 85 FR 67802 (Oct. 26, 2020) (SR–CboeBYX–2020–030).

[6] *See* Securities Exchange Act Release No. 63097 (Oct. 13, 2010), 75 FR 64767 (Oct. 20, 2010) (SR–BYX–2010–002).

[7] *See* Securities Exchange Act Release No. 68798 (Jan. 31, 2013), 78 FR 8628 (Feb. 6, 2013) (SR–BYX–2013–005).

[8] *See* Securities Exchange Act Release No. 71796 (March 25, 2014), 79 FR 18099 (March 31, 2014) (SR–BYX–2014–003).

[9] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (File No. 4–631) (''Eighteenth Amendment'').

[10] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[11] *See* Securities Exchange Act Release No. 85542 (Apr. 8, 2019), 84 FR 15009 (Apr. 12, 2019) (SR–CboeBYX–2019–003).

[12] *See* Securities Exchange Act Release No. 85623 (Apr. 11, 2019), 84 FR 16086 (Apr. 17, 2019) (File No. 4–631).

[13] *See* Securities Exchange Act Release No. 87364 (Oct. 21, 2019), 84 FR 57528 (Oct. 25, 2019) (SR–CboeBYX–2019–018).

[14] *See* Securities Exchange Act Release No. 88496 (March 27, 2020), 85 FR 18600 (April 2, 2020) (SR–CboeBYX–2020–010).

[15] *See* supra note 5.

[16] *See* SR–FINRA–2021–004 (Filed March 15, 2021).

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *Id.*

consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange understands that FINRA and other national securities exchanges have or will also file similar proposals to extend their respective clearly erroneous execution pilot programs.[20] Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No comments were solicited or received on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [21] and Rule 19b–4(f)(6) thereunder.[22]

A proposed rule change filed under Rule 19b–4(f)(6) [23] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [24] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[25]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBYX–2021–008 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBYX–2021–008. 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–CboeBYX–2021–008 and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08048 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

[20] *See* supra note 16.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[23] 17 CFR 240.19b–4(f)(6).

[24] 17 CFR 240.19b–4(f)(6)(iii).

[25] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[26] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91558; File No. SR–CboeBZX–2021–027]**

## Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Current Pilot Program Related to BZX Rule 11.17, Clearly Erroneous Executions, to the Close of Business on October 20, 2021

April 14, 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 April 5, 2021, Cboe BZX Exchange, Inc.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

## I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to extend the current pilot program related to BZX Rule 11.17, Clearly Erroneous Executions, to the close of business on October, 2021. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of this filing is to extend the effectiveness of the Exchange's current rule applicable to Clearly Erroneous Executions to the close of business on October 20, 2021. Portions of Rule 11.17, explained in further detail below, are currently operating as a pilot program set to expire on April 20, 2021.[5]

On September 10, 2010, the Commission approved, on a pilot basis, changes to BZX Rule 11.17 that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[6] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[7] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[8]

On December 26, 2018, the Commission published the proposed Eighteenth Amendment [9] to the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'') [10] to allow the Plan to operate on a permanent, rather than pilot, basis. On April 8, 2019, the Exchange amended BZX Rule 11.17 to untie the pilot program's effectiveness from that of the Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019 in order allow the Exchange and other national securities exchanges additional time to consider further amendments, if any, to the clearly erroneous execution rules in light of the proposed Eighteenth Amendment to the Plan.[11] On April 17, 2019, the Commission published an approval of the Eighteenth Amendment to allow the Plan to operate on a permanent, rather than pilot, basis.[12] On October 21, 2019, the Exchange amended BZX Rule 11.17 to extend the pilot's effectiveness to the close of business on April 20, 2020.[13] On March 18, 2020, the Exchange amended BZX Rule 11.17 to extend the pilot's effectiveness to the close of business on October 20, 2020.[14] Finally, on October 20, 2020, the Exchange amended BZX Rule 11.17 to extend the pilot's effectiveness to the close of business on April 20, 2021.[15]

The Exchange now proposes to amend BZX Rule 11.17 to extend the pilot's effectiveness to the close of business on October 20, 2021. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') have filed similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to BZX Rule 11.17.[16]

The Exchange does not propose any additional changes to BZX Rule 11.17. The Exchange believes the benefits to market participants from the more objective clearly erroneous executions rule should continue on a limited six month pilot basis. As the Plan was approved by the Commission to operate on a permanent, rather than pilot, basis the Exchange intends to assess whether additional changes should also be made to the operation of the clearly erroneous execution rules. Extending the effectiveness of BZX Rule 11.17 for an additional six months should provide the Exchange and other national securities exchanges additional time to consider further amendments, if any, to the clearly erroneous execution rules.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 90231 (October 20, 2020), 85 FR 67789 (October 26, 2020) (SR–CboeBZX–2020–077).

[6] *See* Securities Exchange Act Release No. 62886 (September 10, 2010), 75 FR 56613 (September 16, 2010) (SR–BATS–2010–016).

[7] *See* Securities Exchange Act Release No. 68797 (January 31, 2013), 78 FR 8635 (February 6, 2013) (SR–BATS–2013–008).

[8] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–BATS–2014–014).

[9] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (File No. 4–631) (''Eighteenth Amendment'').

[10] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[11] *See* Securities Exchange Act Release No. 85543 (April 8, 2019), 84 FR 15018 (April 12, 2019) (SR–CboeBZX–2019–022).

[12] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (File No. 4–631).

[13] *See* Securities Exchange Act Release No. 87365 (October 21, 2019), 84 FR 57540 (October 25, 2019) (SR–CboeBZX–2019–089).

[14] *See* Securities Exchange Act Release No. 88497 (March 27, 2020), 85 FR 18602 (April 2, 2020) (SR–CboeBZX–2020–026).

[15] *See* supra note 5.

[16] *See* SR–FINRA–2021–004 (Filed March 15, 2021).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[17] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [18] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [19] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that extending the clearly erroneous execution pilot under BZX Rule 11.17 for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and the other national securities exchanges consider and develop a permanent proposal for clearly erroneous execution reviews.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange understands that FINRA and other national securities exchanges have or will also file similar proposals to extend their respective clearly erroneous execution pilot programs.[20] Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No comments were solicited or received on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [21] and Rule 19b–4(f)(6) thereunder.[22]

A proposed rule change filed under Rule 19b–4(f)(6) [23] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [24] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[25]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2021–027 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2021–027. 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

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *Id.*

[20] *See* supra note 16.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[23] 17 CFR 240.19b–4(f)(6).

[24] 17 CFR 240.19b–4(f)(6)(iii).

[25] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2021–027 and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08046 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–91552; File No. SR–NYSEAMER–2021–19]**

## Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Current Pilot Program Related to Rule 7.10E

April 14, 2021.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on April 2, 2021, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the current pilot program related to Rule 7.10E (Clearly Erroneous Executions) to the close of business on October 20, 2021. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule change is to extend the current pilot program related to Rule 7.10E (Clearly Erroneous Executions) to the close of business on October 20, 2021. The pilot program is currently due to expire on April 20, 2021.

On September 10, 2010, the Commission approved, on a pilot basis, changes to Rule 7.10E that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[4] In 2013, the Exchange adopted a provision designed to address the operation of the Plan.[5] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[6]

These changes were originally scheduled to operate for a pilot period to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility (the ''Limit Up-Limit Down Plan'' or ''LULD Plan''),[7] including any extensions to the pilot period for the LULD Plan.[8] In April 2019, the Commission approved an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis.[9] In light of that change, the Exchange amended Rule 7.10E to untie the pilot's effectiveness from that of the LULD Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019.[10] The Exchange later amended Rule 7.10E to extend the pilot's effectiveness to the close of business on April 20, 2020,[11] October 20, 2020,[12] and subsequently, April 20, 2021.[13]

The Exchange now proposes to amend Rule 7.10E to extend the pilot's effectiveness for a further six months until the close of business on October 20, 2021. If the pilot period is not either extended, replaced or approved as permanent, the prior versions of paragraphs (c), (e)(2), (f), and (g) shall be in effect, and the provisions of paragraphs (i) through (k) shall be null and void.[14] In such an event, the remaining sections of Rule 7.10E would continue to apply to all transactions executed on the Exchange. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') will also file similar proposals to extend their respective clearly erroneous execution pilot

[26] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–NYSEAmer–2010–60).

[5] *See* Securities Exchange Act Release No. 68801 (Feb. 1, 2013), 78 FR 8630 (Feb. 6, 2013) (SR–NYSEMKT–2013–11).

[6] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–NYSEMKT–2014–37).

[7] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[8] *See* Securities Exchange Act Release No. 71820 (March 27, 2014), 79 FR 18595 (April 2, 2014) (SR–NYSEMKT–2014–28).

[9] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (approving Eighteenth Amendment to LULD Plan).

[10] *See* Securities Exchange Act Release No. 85563 (April 9, 2019), 84 FR 15241 (April 15, 2019) (SR–NYSEAMER–2019–11).

[11] *See* Securities Exchange Act Release No. 87354 (October 18, 2019), 84 FR 57139 (October 24, 2019) (SR–NYSEAMER–2019–44).

[12] *See* Securities Exchange Act Release No. 88589 (April 8, 2020), 85 FR 20769 (April 14, 2020) (SR–NYSEAMER–2020–22).

[13] *See* Securities Exchange Act Release No. 90154 (October 13, 2020), 85 FR 66376 (October 19, 2020) (SR–NYSEAMER–2020–73).

[14] *See* supra notes 4–6. The prior versions of paragraphs (c), (e)(2), (f), and (g) generally provided greater discretion to the Exchange with respect to breaking erroneous trades.

programs, the substance of which are identical to Rule 7.10E.

The Exchange does not propose any additional changes to Rule 7.10E. Extending the effectiveness of Rule 7.10E for an additional six months will provide the Exchange and other self-regulatory organizations additional time to consider whether further amendments to the clearly erroneous execution rules are appropriate.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[15] in general, and Section 6(b)(5) of the Act,[16] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning review of transactions as clearly erroneous. The Exchange believes that extending the clearly erroneous execution pilot under Rule 7.10E for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and other self-regulatory organizations consider whether further amendments to these rules are appropriate.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while the Exchange and other self-regulatory organizations consider whether further amendments to these rules are appropriate. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals to extend their respective clearly erroneous execution pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[17] and Rule 19b–4(f)(6) thereunder.[18]

A proposed rule change filed under Rule 19b–4(f)(6)[19] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[20] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEAMER–2021–19 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2021–19. 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

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2021–19 and should be submitted on or before May 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–08037 Filed 4–19–21; 8:45 am]

**BILLING CODE 8011–01–P**

[22] 17 CFR 200.30–3(a)(12).

## SOCIAL SECURITY ADMINISTRATION

**[Docket No. SSA–2021–0008]**

## Request for Information on the Foundations for Evidence-Based Policymaking Act of 2018 Learning Agenda

**AGENCY:** Social Security Administration.

**ACTION:** Request for information.

**SUMMARY:** The Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act) and implementing Executive Branch guidance requires Federal agencies to develop an evidence-building plan, referred to as a Learning Agenda, to identify and address questions relevant to agency programs, policies, and regulations. Through this Request for Information (RFI), we seek public input to help us identify priority questions to guide our evidence-building activities.

**DATES:** To ensure that your comments are considered, we must receive them no later than May 20, 2021.

You may submit comments by any one of three methods—internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2021–0008 so that we may associate your comments with the correct docket.

*Caution:* You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the internet. Please visit the Federal eRulemaking portal at *http://www.regulations.gov.* Use the *Search* function to find docket number SSA–2021–0008. The system will issue a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each comment manually. It may take up to a week for your comment to be viewable.

2. *Fax:* Fax comments to (410) 966–2830.

3. *Mail:* Mail your comments to the Office of Regulations, Social Security Administration, 3100 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

Comments are available for public viewing on the Federal eRulemaking portal at *http://www.regulations.gov* or in person, during regular business hours, by arranging with the contact person identified below.

**FOR FURTHER INFORMATION CONTACT:** Robert Weathers, Office of Retirement and Disability Policy, Social Security Administration (SSA), 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 615–6965. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–325–0778, or visit our internet site, Social Security Online, at *http://www.socialsecurity.gov.*

**SUPPLEMENTARY INFORMATION:** The Evidence Act [1] requires Federal agencies to develop ''a systematic plan for identifying and addressing policy questions relevant to the programs, policies, and regulations of the agency.'' [2] This plan, referred to as a Learning Agenda, offers the opportunity for us to use data in order to address the key questions we want to answer to improve our operational and programmatic outcomes and to establish strategies to develop evidence to answer important short-and long-term strategic and operational questions.[3] We seek public comments to inform the development of our Learning Agenda.

### Background

In fiscal year (FY) 2021, our programs will provide a combined total of about $1.2 trillion in benefit payments to an average of over 70 million beneficiaries. The major programs we administer—the Old-Age Survivors and Disability Insurance program and the Supplemental Security Income program—provide an important source of economic security for millions of Americans. Our fundamental mission is to deliver quality Social Security services to the public.

We conduct evidence-building activities that include pilot projects, demonstration projects, quantitative studies, qualitative studies, and mixed methods studies that inform important priorities, such as delivering services effectively, improving the way we conduct business, updating policies and regulations, and ensuring effective stewardship. For example, we have conducted evidence-building activities to inform our efforts to modernize the Social Security Statement. This aligns with our FYs 2018–2022 Agency Strategic Plan, which includes modernizing the Social Security Statement to increase the public's understanding of our programs as a strategy.

We have also conducted extramural research, demonstration projects, and outreach under Sections 234, 1110, and 1144 of the Social Security Act (Act).[4] Sections 234 and 1110 of the Act provide us with authority to conduct extramural research and demonstration projects, while section 1144 of the Act addresses outreach activities to inform and assist Medicare beneficiaries with low income who may be eligible for Medicare cost sharing or subsidized prescription drug coverage. We currently fund a range of projects designed to:

- Help us keep pace with advancements in medicine and technology;
- Modernize our vocational rules;
- Test models that promote labor force participation;
- Analyze program trends, gaps, and inconsistencies; and
- Measure the public's understanding of our programs, as well as the impact of program changes.

For more information on such projects, please see the ''Research, Demonstration Projects, and Outreach'' section of the *Supplemental Security*

[1] Public Law 115–435, 132 Stat. 5529.

[2] 5 U.S.C. 312(a).

[3] See Memorandum for Heads of Executive Departments and Agencies, from Russell T. Vought, Phase 1 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Learning Agendas, Personnel, and Planning Guidance (July 10, 2019)

[4] 42 U.S.C. 434, 1310, 1315, and 1320b–14, respectively.

*Income Program* technical supporting materials to our FY 2021 Budget submission that is located on our website: *https://www.ssa.gov/budget/FY21Files/2021SSI.pdf.*

**Request for Information**

Through this RFI, we are asking interested persons, including stakeholders across public and private sectors who may be familiar with or interested in the work of our agency, for input on evidence-building activities that inform important priorities for our agency, including those that are related to the President's broader priorities that are available at *https://www.whitehouse.gov/priorities/*. We also seek input on future projects that will advance our mission.

We invite suggestions in various forms—as key questions to be answered, hypotheses to be tested, or problems to be investigated—that are focused on any area of our mission, including service delivery, operations, programs, policies, regulations, communication, and stewardship. The responses to this RFI that interested persons submit to us will inform our ongoing development of a set of priorities that will guide evidence-building activities. We will analyze information collected from this RFI to inform the development of our Learning Agenda. This RFI is for information and planning purposes only and should not be construed as a solicitation or as an obligation on our part. We will not respond to the comments we received in response to this RFI, but will use the input to develop our Learning Agenda.

The Commissioner of Social Security, Andrew Saul, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary Federal Register Liaison for SSA, for purposes of publication in the **Federal Register**.

**Faye I. Lipsky,**

*Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.*

[FR Doc. 2021–08115 Filed 4–19–21; 8:45 am]

**BILLING CODE 4191–02–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Docket No. 28895]**

### Airport Investment Partnership Program: Application Procedures

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of application procedures.

**SUMMARY:** This document provides procedures for applying for FAA approval of the privatization or partial privatization of a federally obligated public airport. This document revises the procedures for applying for approval of the privatization of a federally obligated public airport, to reflect the provisions of the AIPP. It also revises the statement of issues the FAA will consider in granting exemptions and approving the transfer of a public use airport under the new program.

**DATES:** This policy takes effect April 20, 2021. No changes are required to an application submitted and accepted for review prior to publication if there is no change to the applicant's proposed transaction. The FAA will evaluate all applications in the order of receipt.

**FOR FURTHER INFORMATION CONTACT:** Kevin C. Willis, Director, Office of Airport Compliance and Management Analysis, (ACO–1), Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591, (202) 267–3085.

**SUPPLEMENTARY INFORMATION:**

**Introduction and Background**

Section 149 of the Federal Aviation Authorization Act of 1996 established an airport privatization pilot program (APPP), and authorized the Department of Transportation to grant exemptions from certain Federal statutory and regulatory requirements for up to five airport privatization projects. A request for participation in the APPP was initiated by the filing of either a preliminary or a final application for exemption with the FAA. The FAA issued final guidance for applying for participation in the program in September 1997.

Section 160 of the FAA Reauthorization Act of 2018 established the Airport Investment Partnership Program (AIPP), which eliminates the limit on the number of airport privatizations that the FAA may approve, allows privatization of multiple airports by one airport sponsor, and allows public participation in ownership of a private operator. Requirements for FAA approval of an airport privatization are substantially the same as under the pilot program.

This notice of application procedures to be used by applicants for an airport privatization project is being published pursuant to section 149 of the Federal Aviation Administration Authorization Act of 1996, Public Law 104–264 (October 9, 1996) (1996 Reauthorization Act), which added a new section 47134 to Title 49 of the U.S. Code, and subsequent amendments of section 47134, including most recently Section 160 of the FAA Reauthorization Act of 2018, Public Law 115–254 (October 5, 2018).

Section 47134, as amended, authorizes the Secretary of Transportation, and through delegation, the FAA Administrator, to exempt a sponsor of a public use airport that has received Federal assistance, from certain Federal requirements in connection with the privatization of the airport by sale or lease to a private party. Specifically, the Administrator may exempt the sponsor from all or part of the requirements to use airport revenues for airport-related purposes, to pay back a portion of Federal grants upon the sale of an airport, and to return airport property deeded by the Federal Government upon transfer of the airport. The Administrator is also authorized to exempt the private purchaser or lessee from the requirement to use all airport revenues for airport related purposes, to the extent necessary to permit the purchaser or lessee to earn reasonable compensation from the operations of the airport.

The term ''public sponsor'' is used in this document to mean the governmental agency or authority that currently owns or operates a public airport and proposes to sell or lease it to a private purchaser or lessee. The term ''private operator'' is used to refer to a private firm or firms that propose to purchase or lease a public airport under the program; the term ''applicant'' means all of the parties jointly participating in the application for privatization of a particular airport. The terms ''operating entity'' and ''private investor'' are used for a partial privatization transaction, in which the public sponsor holds an interest in the operating entity, jointly, with a private sector investor.

This document does not have the force and effect of law and is not legally binding in its own right. It is intended to provide clarity to the public regarding existing requirements under the law and agency policies. Mandatory terms such as ''must'' in this notice describe established statutory or regulatory requirements.

*The September 1997 Notice of Final Application Procedures*

To implement section 47134, the FAA requested comments in April 1997 on proposed program application procedures (62 FR 19638; April 22, 1997). The FAA issued a Notice of Final Application Procedures in September

1997 (62 FR 48693; September 17, 1997). In that notice, the FAA addressed comments received on the notice and request for comment, and adopted comprehensive procedures for applying for participation in the program. In addition to identifying the application procedures to be used, the final notice discussed the issues the FAA will consider in determining whether to approve an application for an exemption under section 47134 and other Federal requirements for airport operation. The Notice of Final Application Procedures is posted on the FAA website at: *https://www.faa.gov/airports/airportcompliance_compliance/privatization/.*

*The November 1997 Request for Comments*

Shortly after the final application procedures were published in September 1997, the FAA received a complaint about the effect of one provision of the final procedures on certain air carriers, relating to 49 U.S.C. 47134(b)(1)(A). That section of the statute limited the exemption to permit the use of funds by the public airport sponsor for non-airport purposes, to amounts approved by 65 percent of the air carriers serving the airport and 65 percent of the air carriers by total landed weight of air carriers from the preceding calendar year. The same approval was required for increases in air carrier fees that exceed the increase in the Consumer Price Index. In interpreting that requirement, the FAA stated that the air carriers included in the calculation of the 65 percent would not include otherwise qualified air carriers that submitted proposals or that participate in consortia that submitted proposals for the privatization of the subject airport. The FAA position was based on the consideration that an air carrier that sought to operate the airport, whether successful or not, could base its vote on interests other than those of an air carrier, as intended by Congress.

The complaint specifically objected to the exclusion of carriers that were unsuccessful in participating as private airport operator, and would be voting only from the point of view of an air carrier. In response, the FAA issued a *Notice of Amendment to Final Application Procedures; Request for Comments* (FR 62 63211; November 26, 1997). In that notice, the FAA suspended the exclusion of carriers that were *unsuccessful* in bidding on a privatization proposal, but confirmed that an air carrier that was a *successful* bidder on a privatization proposal would not be counted in a vote under the 65 percent rule. The notice requested comment on this issue, but no comments were received in the docket. Accordingly, the FAA has continued the policies announced in the November 1997 notice, and incorporates them in this revised application procedure. A carrier that bids on a privatization proposal but is unsuccessful will be counted in the list of carriers participating in the 65 percent vote. A carrier that is successful in bidding on a privatization proposal, and as a result will become the private airport operator or part of a consortium that will operate the airport, will not be included in the list of voting air carriers under section 47134(b)(1)(A) (as amended in 2003).

*2003 Amendments to Section 47134*

In 2003, in *Vision 100—Century of Aviation Reauthorization Act,* Congress amended the provisions of section 47134(b) (1)(A) for obtaining the views and consent of air carriers for an exemption from the airport revenue use requirements of 49 U.S.C. 47107(b) and 47133 (Pub. L. 108–176, section 155(a), Dec. 12, 2003, 117 Stat. 2508). As originally enacted in 1996, section 47134 required that 65 percent of air carriers at the airport, both by number of carriers and by percentage of total air carrier landed weight, approve the revenue use exemption. However, these provisions made no distinction between categories of airport.

The 2003 amendment replaced section 47134(b)(1)(A)(i) and (ii) with new requirements that differ for primary airports and nonprimary airports. A primary airport is a commercial service airport with more than 10,000 passenger boardings each year. Section 47134(b)(1)(A) now provides:

1. At a primary airport, an exemption from revenue use requirements requires 65 percent approval by scheduled air carriers serving the airport and approval by scheduled and nonscheduled air carriers serving the airport whose landed weight was at least 65 percent of total landed weight the previous year.

2. At a nonprimary airport, the FAA may approve an exemption if the public sponsor has consulted with at least 65 percent of the owners of aircraft based at the airport.

3. An air carrier is deemed to have approved an application for exemption unless it submits an objection in writing to the sponsor with 60 days of the filing of the application with the FAA or the service of the application on the carrier, whichever is later.

The revised application procedure issued in this notice reflects the new requirements in the 2003 amendments to section 47134.

*2012 Amendment to Section 47134*

In 2012, in the *FAA Modernization and Reform Act of* 2012, Congress increased the number of airports that can participate in the privatization pilot program from 5 to 10 (Pub. L. 112–95, section 156, Feb. 14, 2012, 126 Stat. 36). That amendment has become irrelevant with the elimination in 2018 of any limit on the number of privatization projects that FAA may approve.

*2018 Amendments to Section 47134*

Section 160 of the FAA Reauthorization Act of 2018 enacted amendments to § 47134 to eliminate the limit on the number of airport privatization applications the FAA could approve, effectively maturing airport privatization beyond a pilot program. Section 160 made several additional changes to the FAA approval process.

1. If an exemption is granted to an airport sponsor from the revenue use requirement and permits use of airport revenues for non-airport purposes, then the FAA must grant an exemption to the sponsor from the requirement to repay Federal grant funds or return property to the Federal Government.

2. If an exemption is granted to an airport sponsor from the revenue use requirement and permits use of airport revenues for non-airport purposes, the FAA must grant an exemption to the private purchaser or lessee from the revenue use requirement and permit the purchaser or lessee to earn compensation from operation of the airport.

3. The FAA may accept applications from a sponsor for privatization of multiple airports if all of the airports are under the control of the sponsor and all are located in the same State.

4. A public airport sponsor may have an interest in the private operating entity that purchases or leases the airport.

5. FAA may fund a grant of up to $750,000 for predevelopment planning costs related to preparation of a privatization application or draft application.

These last two provisions are substantial changes from authority granted under the APPP. Accordingly, the following additional guidance is provided on how the agency proposes to address partial privatization applications and applications for the newly authorized planning grants.

**Partial Privatization**

Section 160 amended 49 U.S.C. 47134 by revising subsection (d)(2) to read: ''(2) PARTIAL PRIVATIZATION.—A

purchaser or lessee may be an entity in which a sponsor has an interest.'' This new provision could authorize and promote forms of airport governance not previously used in the United States, resulting in applications for arrangements that would be not only unprecedented but also complex. In reviewing AIPP applications under section 47134(d)(2) and associated requests for exemption from the standard requirements for use of airport revenue, the FAA will seek to balance several key interests, including:

1. Preserving program incentives for private investment in airports, consistent with the requirements and legislative intent of the AIPP;

2. Ensuring that adequate airport revenues remain available for the operation, maintenance, and development of a participating airport; and

3. Continuing reasonable and not unjustly discriminatory terms for use of the airport by aeronautical users and tenants.

Based on experience with the APPP and preliminary conversations with aviation and finance industry representatives, the FAA will apply the following principles in its review of applications involving partial privatization arrangements:

1. ''*Partial privatization*'' means public participation in a lease of the entire airport.

New section 47134(d)(2) authorizes a public airport sponsor to own and/or control an interest in a private firm operating the entire airport under a long-term lease. The term ''partial privatization'' refers to the public sponsor's partial control of the private operation of the entire airport, and not to privatization of a part of an airport. Privatization of individual airport facilities has occurred at a number of airports in the U.S. through public-private partnerships, without participation in the APPP or AIPP, and without the need for special FAA review. *(See Item 10 below).*

2. *An AIPP project may have majority private control or majority public control.* An application under section 47134(d)(2) may propose that the public airport sponsor transfer a majority interest in the airport operation to a private entity, or, alternatively, that the public sponsor hold a majority interest in the private operating entity.

3. *The public airport owner remains the Airport Improvement Program (AIP) sponsor in a project with majority public control.* Where the public owner holds a controlling interest in a lease for private operation of the airport, the FAA will continue to consider the public airport owner as the airport sponsor, with responsibility for administration of grant projects and compliance with AIP grant agreements.

4. *The public owner remains the eligible agency for Passenger Facility Charges (PFC) collections in a project with majority public control.* Where the public owner holds a controlling interest in a lease for private operation of the airport, the public sponsor will also remain the eligible agency for imposition of passenger facility charges at the airport. While section 47134(g)(1) allows a private sponsor to impose a passenger facility charge, the private investor in this case would not be the public agency, and also would not have satisfied the requirement in 49 U.S.C. 40117(a)(2) that an eligible agency ''*controls* the use of a commercial airport.''

The PFC process is separate from the AIPP application process; PFC amendments related to a privatization initiative should be coordinated with the Office of Airports at FAA Headquarters.

5. *A reasonable concession fee paid by a private operator can be exempted from general revenue use requirements.* For every application approved under the AIPP, whether the public owner or the private operator is the controlling entity, an exemption under section 47134(b)(1) (3) will apply at a minimum to the private operator's reasonable concession fee, *i.e.,* the amount paid by the private operator for the right to operate the airport and earn a return on investment from airport revenues in proportion to the private operator's share of the operating enterprise.

6. *The FAA will consider the degree of public participation in evaluating a request for exemption from general revenue use requirements.* For revenues other than the initial concession fee payment, the degree of the public sponsor's control of a private entity operating the airport may affect the extent of the exemption granted under section 47134(b)(1) to allow use of revenue for non-airport purposes. For example, where a public sponsor retains majority control and ultimate responsibility for airport management, a reasonable concession fee payment could be expected to reflect only the value of the private investor's share of revenue from its passive investment. Payments to the public sponsor by the operating entity in excess of that amount, as profit from ongoing airport operations over the lease term, would generally be considered obligated airport revenue not subject to exemption.

7. *The FAA will consider the effects of the terms of the agreement between the private investor and the public airport owner.* Where the degree of public participation in the entity operating the airport could affect the kinds of revenue covered by an exemption under section 47134(b)(1), the FAA will look to the sources and effect of payments described in a proposed application and not simply the way various revenues are labeled by the applicants.

8. *The FAA will consider the private investor's relative participation in an AIPP initiative in approving an exemption for compensation from airport revenues.* An exemption under section 47134(b)(3) allowing a private investor to receive compensation for investment in and operation of the airport will be generally proportionate to the private investor's participation in the entity operating the airport.

9. *An AIPP initiative with both public and private participation should not result in diversion of airport revenue (by exemption permitted at a fully privatized airport).* As a general principle, in an application filed under section 47134(d)(2), the total airport revenue paid to the public owner and the private investor and subject to exemption from revenue use requirements should not exceed the amount of exempted revenue a private investor would receive in a fully private transaction.

10. *An application must be permitted under State law.* In some States, it is not clear that State law would permit the partial public ownership of a private firm operating an airport. The FAA encourages submission of the legal opinion described in item 1.H. of the final application, a statement of the public sponsor's authority to participate in a private enterprise, at the time of the preliminary application.

**Availability of AIP Grants Under Sections 47102(3)(R) and 47134(l)**

Section 165 of the FAA Reauthorization Act of 2018 added a new item to the definition of ''airport development,'' at 49 U.S.C. 47102(3)(R), to extend eligibility for AIP grant funding to certain work performed relating to the preparation of an airport privatization project application under the AIPP:

(R) predevelopment planning, including financial, legal, or procurement consulting services, related to an application or proposed application for an exemption under section 47134.

Section 160 of the Act included a revised paragraph 47134(l), which

limited a grant for predevelopment costs relating to an application under section 47134 to $750,000 per application.

On July 29, 2019, the FAA issued Program Guidance Letter (PGL) 19–03, *Grants for Predevelopment Costs for Airport Investment Partnership Program.* The PGL contains guidance for agency staff on the review and approval of AIP grant applications for predevelopment planning related to a Section 47134 application. The PGL is available on the FAA website at: *https://www.faa.gov/airports/aip/guidance_letters/media/aip-pgl-19-03-AIPP.pdf.*

**Summary of Revisions to Program Application Procedures**

In addition to minor style edits for clarity and program improvement, the following revisions have been made to the Process for Applying for an Exemption under section 47134:

1. References to a limit of 10 airports and procedures for determining eligibility as one of the 10 participating airports have been deleted. A procedure is retained for filing a preliminary application, because of the value of the preliminary application in confirming an applicant's legal authority and preliminary plans for privatization of its airport, and the involvement of the FAA in the application process at an early stage.

2. Because Section 160 allows a public sponsor to have an interest in the entity operating the airport, the procedures provide for three possible parties in a partial privatization of an airport: the ''public sponsor,'' the ''private investor'' (which may be a consortium of investors), and the ''private operator'' or ''operating entity'' that would be co-owned by the public sponsor and the private investor. In a full privatization of the airport, the application continues to refer to two parties: the public sponsor, and the private operator, who would be both investor and airport operator.

3. ''Contents of the Preliminary Application'' eliminates the requirement for a distribution-ready copy of the request for proposals for management and operation of the airport.

4. Regulatory references to TSA and airport security have been updated to cite to 49 CFR part 1542 rather than 14 CFR part 107 where applicable.

5. Part II, ''Airport Property,'' requires information on each airport included in the application, in recognition that a public sponsor can request privatization of more than one airport in a multi airport system.

6. Part II, ''Airport Property,'' has an added requirement for an explanation of any differences between the airport's Airport Layout Plan and Exhibit A to the public sponsor's Airport Improvement Program grant agreements for the airport.

7. Part IV, ''Qualifications of the Private Operator,'' adds a request for any pending civil litigation against the private operator or its key personnel.

8. Part IV, ''Qualifications of the Private Operator,'' adds letter of credit equal to cash reserves of six months for the initial operation.

9. Part VI, ''Certification of Air Carrier Approval,'' is rewritten to implement the 2003 amendment to section 47134. That amendment requires a percentage of air carrier approval for issuance of an exemption from revenue use requirements at a primary airport. At a nonprimary airport, the FAA may issue an exemption upon certification that that public sponsor has consulted with at least 65 percent of the owners of aircraft based at the airport.

10. In Part VII, ''Airport Operation and Development,'' paragraph A.5 adds more specific guidance for certification of air carrier approval of an increase in fees that will exceed the rate of inflation.

11. In Part VII, ''Airport Operations and Development,'' paragraph A.3 requires the application to include a legal opinion and certifications from both the public sponsor and the private operator to address bankruptcy.

12. Paragraph VII.B requires that transfer documents reflect the private operator's assumption of legal responsibility for compliance with grant assurances in effect under the public sponsor's current AIP grant agreements.

13. The requirement for a fax number has been changed to an email address.

**Process for Applying for an Exemption Under Section 47134**

*Exemption Application and Review Process: Overview*

The FAA will apply the following policies and procedures for filing and review of requests for privatization of a public airport under 49 U.S.C. 47134:

1. A request for participation in the airport investment partnership program will be initiated by the filing of a preliminary application for exemption under section 47134(a). A public sponsor may also elect to file a final application without the prior filing of a preliminary application, if the public sponsor has selected a private operator.

2. All applications will be evaluated in the order of receipt.

3. FAA will consider an application to be filed on the date it is received by the FAA. Application packages will be date-stamped on receipt in Room 600 East at the FAA headquarters building.

4. FAA will review the application to determine if it meets the procedural requirements stated in this notice.

5. The FAA will accept preliminary applications filed before the applicant has commenced the procurement process for the selection of an operator. The preliminary application must contain the information listed under the section titled ''Contents of Applications.'' The FAA will notify applicants of its decision on the acceptance of the application for review within 30 days of the filing of the preliminary application.

6. If the preliminary application meets the requirements described in this notice, the applicant will be notified that the application is ''accepted for review.'' The FAA may request additional information before accepting the application for review, but the original filing date will remain in effect. Following the FAA's acceptance of the preliminary application, the applicant is authorized to select a private operator, negotiate an agreement, and submit a final application to the FAA.

7. If the preliminary application does not meet the requirements described in this notice, and cannot be brought into compliance with those requirements with information requested by the FAA during its 30-day review, the preliminary application will be rejected. The FAA will notify the applicant that the application is rejected and that the application is no longer on file. The applicant may file a new application at any time, and receive a new ''on file'' date at that time.

8. The FAA will publish in the **Federal Register** a notice that a preliminary application has been received under 49 U.S.C. 47134, and that the FAA has accepted the application for review.

9. Applicants may file a final application after the public sponsor has selected a private operator and reached substantial agreement on the terms of the privatization transaction. If an application cannot reasonably be brought into compliance with the requirements of section 47134 and other applicable Federal statutes with current information in accordance with the time schedule submitted during the preliminary pplication, and any extensions of time approved by the FAA, the FAA will notify the applicant that the application is rejected and that the application is no longer on file. The applicant may file a new application at any time, and receive a new ''on file'' date at that time.

10. If an applicant fails to timely file a final application in accordance with the time schedule submitted during the preliminary application, and any extensions of time approved by the FAA, the FAA will notify the applicant that the application is rejected and that the application is no longer on file. The applicant may file a new preliminary application at any time, and receive a new ''on file'' date at that time.

11. The FAA will publish in the **Federal Register** a notice of receipt of the final application, establish a docket, and accept public comment on the application for a period of 60 days. The FAA reserves the right to modify the comment period at its own discretion. If an application is approved, exemptions will be issued after the execution of all documents necessary to fulfill the requirements of section 47134 and other laws and regulations within the FAA's jurisdiction (*e.g.,* issuance of a Part 139 certificate to the private operator; FAA confirmation that the private operator has a TSA approved security program under 49 CFR part 1542). FAA representatives will be available to meet with parties interested in an airport privatization project both before and after the filing of a preliminary application for exemption to discuss the Federal statutory requirements and policies that apply to applications under section 47134. Airport sponsors are encouraged to meet with the FAA early in the process to ensure that the parties understand the actions that will be necessary for final program participation.

*Filing an Application*

1. Applicants must submit one original application package and four copies containing the information described under ''Content of Applications'' in this notice to: Associate Administrator for Airports, ARP–1, Room 600 East, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

2. All preliminary and final applications may be delivered, mailed, or submitted on a USB flash drive, but will not be considered to be ''on file'' with the FAA until received in the Office of the Associate Administrator for Airports, Room 600 East.

3. There is no required form for an application. However, the preliminary application package must be submitted with a cover letter, signed by appropriate officials of the current public sponsor or, in the case of the final application, signed jointly by appropriate officials of the current public sponsor and the private operator proposing to buy or lease the airport. The cover letter must request one or more of the exemptions authorized by 49 U.S.C. 47134(b) for the purpose of the privatization of an airport. Please title each section according to the section titles below.

4. Officials signing for the public sponsor must provide evidence of their authority to file the application, *e.g.,* an enacted state statute or adopted city council resolution.

**Contents of the Preliminary Application**

The preliminary application should consist of:

1. As much of the information required by Part I, ''Parties to the Transaction,'' from the Final Application, as is available.

2. A summary narrative of the objectives of the privatization initiative, *i.e.,* what the public sponsor wants to accomplish by the solicitation. The narrative should indicate whether the applicant plans on the full privatization of the airport by lease or sale to a private operator, or intends a partial privatization by holding an interest in the operating entity that will operate the airport.

3. A description of the process and a reasonable, realistic timetable to be employed in selecting an operator and completing transfer of the airport. This should include the identification of all local approvals and the time frame when the FAA can anticipate the final application will be submitted for review.

4. All of the information required by Part II, ''Airport Property,'' from the Final Application.

5. Financial statements including balance, income, and cash flow statements for the last two full fiscal year periods.

6. A description of the procurement, *i.e.,* selection/evaluation of a private operator for the management and operation of the airport with reference to the nine statutory conditions under 49 U.S.C. 47134.

**The Final Application**

The following statements and information must be included in the final application. The FAA realizes that some documents, figures, and other information will not be available until shortly before the execution of the transfer transaction. The final application may only be filed after the public sponsor has selected a private operator and reached sufficient agreement with the operator on the terms of the transaction to represent those terms in an application. The FAA will not require that all information listed below be provided at the time of the application.

However, for each item below for which information is not available, the applicant may substitute a description of the expected response and the date by which the final information will be available. Information not provided with the application should be submitted to the FAA as soon as it becomes available.

*Part I. Parties to the Transaction*

A. Name of the airport proposed for sale or lease.

B. Name and address of the public sponsor of the airport; name, address, telephone number, and email address of the person to contact about the application.

C. Name and address of the private operator proposing to purchase or lease the airport; name, address, telephone number, and email address of the person to contact about the application.

D. If the private operator proposing to purchase or lease the airport is a partnership, joint venture, or other consortium of multiple interests, the name and address of each of the participating members.

E. Citizenship of the private operator or each member of the private operator consortium, and percentage of interest of each such member.

F. If the public sponsor will retain an interest in the new operating entity and share ownership of that entity with a private investor, the percentages of ownership to be held by the public sponsor and the private investor respectively.

G. A statement of the public sponsor's authority to sell or lease the airport, with a citation to legal authorities.

H. If the public sponsor will share ownership in the operating entity with a private investor, a statement of the public sponsor's authority to participate in a private enterprise.

*Part II. Airport Property*

A. For each airport included in the application, a description of the airport property to be transferred. Applicants should describe property in sufficient detail to identify the parcels of property and facilities to be transferred; a map and a legal description of the property may be included but are not required.

B. A history of the acquisition of existing airport property. Applicants should include information on grants, types of deeds, the dates and means of conveyance, *e.g.,* Surplus Property Act, other Federal conveyance of donated property, parcels purchased with Federal funds, and parcels purchased with only local funds.

C. An explanation of any differences between the airport property to be transferred and Exhibit A to recent AIP grant agreements.

D. Evidence of Good Title to the airport property satisfactory to the FAA.

*Part III. Terms of the Transfer*

A. A detailed description of the terms of the transfer, other than financial, including:

1. Term of the lease or other transfer agreement.

2. A description of any rights, authority, or interests retained by the public sponsor, including reversion of title to facilities.

3. If the private operator is a consortium, a description of the respective rights and responsibilities of each member.

4. If the public sponsor will share ownership of the operating entity, a description of the respective rights and responsibilities of the public sponsor and private owners of the operating entity.

B. Financial terms of the transaction:

1. Amounts and timing of payments to the public sponsor.

2. Amounts of payments to sponsor to be used, respectively, for airport purposes (including recoupment of public sponsor investments not previously recovered) and for other purposes.

3. Financing arrangements, including sources of the funds used by the private operator for purchase or initial lease payment and future lease payments, and for return on investment.

4. Projected impact of the initial transaction on the fee structure for charges to airport users.

5. Projected impact of future purchase or lease payments to the public sponsor on the fee structure for charges to airport users.

6. Other relevant financial terms of the transfer.

C. Copies of all documents executed as part of the transfer, to be provided as they are executed or are in sufficiently final form to indicate the substantive nature of the expected final document.

D. If applicable, a request for confidentiality of any particular document or information submitted, with supporting information.

E. Provisions of a document conferring third-party beneficiary rights on behalf of the FAA to enforce, directly against the private operator, key obligations contained in AIP grant agreements and the assurances required by section 47134.

*Part IV. Qualifications of the Private Operator*

A. A complete description of airport management and operations experience, including the identity, experience, expertise, and responsibility of key personnel. A description of the facilities and airports presently being managed by the company, both domestically and internationally. If the private operator is a newly formed entity, describe the experience of the constituent members and the proposed management structure to integrate operational functions.

B. Financial resources for operating/capital expenses of the airport. Copies of the 10K annual reports filed in the past three years with the Securities and Exchange Commission, if filed. If 10K annual reports were not filed, provide a balance sheet and income statement prepared in accordance with Generally Accepted Accounted Principles, with all footnotes applicable to the financial statements. The private operator should have a letter of credit equal to cash reserves of six months for the initial operation of the airport unless a lower amount is approved in advance by the FAA.

C. Timing and details of application for Part 139 certificate, if applicable.

D. Plan for compliance with 49 CFR part 1542, if applicable.

E. A description of the private operator's capability and experience of complying with the public sponsor's existing grant assurances, including the assurance of compatible land use around the airport; the protection of navigation aids, approach lights, runway safety areas, and runway protection zones; and the continuation and extension of avigation easements.

F. Affiliations with air carriers or other persons engaged in aeronautical business activity at an airport (other than airport management).

G. A description of all charges of unfair or deceptive practices or unfair methods of competition brought against the private operator and private operator's key personnel; and, in the case of a private operator that is a joint venture, partnership, or other consortium, the separate members of the entity in the past 10 years. The description should include the disposition or current status of each such proceeding.

H. Any other pending civil litigation against the private operator or its key personnel.

*Part V. Requests for Exemption*

A. Describe the specific exemption requested by the public sponsor under 49 U.S.C. 47134(b)(1), from the prohibition on use of airport revenue for general purposes, including the amount of funds involved. The description should include sale or lease proceeds as well as funds in existing airport accounts that would be transferred to general accounts.

B. Describe the specific exemption requested by the public sponsor under 49 U.S.C. 47134(b)(2) from the requirement to repay Federal grant funds or return property.

C. Describe the specific exemption requested by the private operator under 49 U.S.C. 47134(b)(3) from the prohibition on use of airport revenue for general purposes. The description should include the anticipated amount of airport revenue to be used for compensation of the private operator, the source of airport funds involved, and a description of the effect, if any, on air carrier and other aeronautical user fees.

*Part VI. Certification of Air Carrier Approval*

A. For an application relating to a primary airport:

1. Provide a certification that air carriers meeting the requirements of 49 U.S.C. 47134(b)(1)(A)(i) approve the exemption described in Part V.A. above.

2. Provide:

i. A list of all U.S. air carriers serving the airport, to include all carriers conducting operations at the airport under authority of 14 CFR part 121 that have a lease and/or use agreement at the airport or that conducted at least 50 flights under such authority in the preceding calendar year;

ii. A list of all carriers conducting operations at the airport as a commuter air carrier within the meaning of 14 CFR part 298 that have a lease and/or use agreement at the airport or that conducted at least 50 flights under such authority in the preceding calendar year; and

iii. A list of all operators conducting operations at the airport under authority of 14 CFR part 135 that have a lease and/or use agreement at the airport and that have at least one aircraft used in Part 135 operations based at the airport.

3. The lists described in VI.A.2 should exclude any carrier that is not currently serving the airport or that has responded to a solicitation or submitted a proposal to serve as a private airport operator or participate in a private airport operator consortium at that airport.

4. Provide:

i. A list of the air carriers that have approved the exemption;

ii. The total landed weight of operations by all air carriers listed

under VI.A.2 above at the airport for the preceding year;

iii. The total landed weight of each air carrier listed under VI.A.2 above that has approved the exemption; and

iv. A list of carriers serving the airport in the previous or current year but excluded from the lists in VI.A.2, with the reason for exclusion.

5. Provide a copy of each document indicating air carrier approval of or objection to the exemption requested.

6. Provide a description of consultation with foreign air carriers serving the airport on proposals for air carrier approval under 49 U.S.C. 47134(b)(1)(A).

B. For an application relating to a nonprimary airport:

1. Provide certification that the public sponsor has consulted with at least 65 percent of the owners of aircraft at the airport regarding the sponsor's application for the exemption described in Part V.A. above.

2. Copies or a description of the information conveyed to aircraft owners at the airport regarding the proposed exemption.

3. Copies of comments received from aircraft owners on the proposed exemption.

*Part VII. Airport Operation and Development*

A. Provide a description of how the private operator, the public sponsor, or both will address the following issues with respect to the operation, maintenance, and development of the airport after the proposed transfer.

1. Part 139 certification. If applicable, a request for a Part 139 certificate should be filed with thelocal FAA Regional Airports Division. The exemption application needs only to reflect the private operator's intentions and the status of a certificate application, if applicable.

2. Continuing access to the airport on fair and reasonable terms and without unjust discrimination, in accordance with section 47134(c)(1).

3. Continued operation of the airport in the event of bankruptcy or other financial or legal impairment of the private operator, in accordance with the specific terms of section 47134(c)(2). The application should include any provision for reversion to the public sponsor. The application should include a legal opinion and certifications from both the public sponsor and the private operator that the proposed plan will be effective under operation of all applicable law, including but not limited to bankruptcy law, in assuring the continued operation of the airport.

4. Maintenance, improvement, and modernization of the airport, in accordance with section 47134(c)(3), including the public sponsor's most recent 5 year capital improvement plan and the 5 year capital improvement plan proposed by the private operator. Applicants should identify the sources of funds to be used for capital development, including any continuing contributions by the public sponsor. If funds are to be borrowed, applicants should identify the expected sources, anticipated repayment terms of any borrowed funds, and the source of revenue to be used for repayment. Applicants should also include any financial security provisions, such as a letter of credit or performance bond, for the accomplishment of the maintenance, improvement, and modernization projects committed to by the private operator.

5. Compliance with the limitations on air carrier fees, pursuant to section 47134(c)(4), not imposed for funding of new capital development undertaken after the transfer to the private operator. If it is the private operator's intent to impose an increase in fees on air carriers exceeding the limit in section 47134(c)(4), provide:

i. The amount of the planned increase in fees;

ii. A list of the air carriers that have approved the increase;

iii. The total landed weight of all operations by air carriers at the airport for the preceding year (which for a primary airport should be the same as provided in VI.A.4.b); and

iv. The total landed weight of all operations by air carriers that have approved the increase.

6. Compliance with the limitation on general aviation fees described in section 47134(c)(5).

7. Maintenance of safety and security at the airport, in accordance with section 47134(c)(6). The application should note the applicant's contacts with the FAA Regional Airports Division or Airports District Office on Part 139 and TSA on Part 1542, but does not need to duplicate information filed in connection with those actions. The application should include planned efforts by the private operator to maintain the public sponsor's existing mechanisms for communicating with airport tenants and users and the public on safety and security issues.

8. Mitigation of adverse effects of noise from airport operations, in accordance with section 47134(c)(7). The applicant should specifically describe its intentions with respect to an existing or future Part 150 noise compatibility program for the airport, with respect to the public sponsor's commitments under past records of decisions on airport development projects, and other measures the private operator proposes to take in the future.

9. Mitigation of adverse effects on the environment from airport operations, in accordance with section 47134(c)(8).

10. Confirmation that any collective bargaining agreement that covers employees of the airport and is in effect on the date of the sale or lease of the airport will not be abrogated by the sale or lease, as required by section 47134(c)(9).

11. The private operator's intentions regarding consultation with general aviation users regarding the planned privatization of the airport, and the projected effect on general aviation of the proposed changes in operation and management of the airport.

12. Private operator's plans (if known) for development of general aviation.

B. The private operator's acceptance of the grant assurances contained in the public sponsor's grant agreements with the FAA and intention to assume legal responsibility for compliance with those assurances, as reflected in the transfer documents. Assurance 25 need not be addressed. In addition, the applicants' agreement that the grant assurances and the assurances required for granting an exemption under section 47134 create third-party beneficiary rights enforceable by the FAA in an administrative or judicial legal proceeding, and permit FAA to enforce directly against the private operator the grant assurances and the assurances required for granting an exemption under section 47134.

C. Provide a description of the parties' efforts to consult with airport users about the proposed transaction and of the parties' community outreach efforts.

*Part VIII. Periodic Audits.*

A. Section 47134(k) provides that the FAA may conduct periodic audits of the financial records and operations of an airport receiving an exemption under the pilot program. Applicants should indicate in the application their express assent to this provision.

Issued in Washington, DC.

**Winsome A. Lenfert,**

*Acting Associate Administrator for Airports.*

[FR Doc. 2021–07586 Filed 4–19–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[FMCSA Docket No. FMCSA–2020–0053]**

### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt seven individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

**DATES:** The exemptions are applicable on April 2, 2021. The exemptions expire on April 2, 2023.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

## I. Public Participation

*A. Viewing Comments*

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2020–0053, in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

*B. Privacy Act*

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

## II. Background

On February 23, 2021, FMCSA published a notice announcing receipt of applications from seven individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (86 FR 11044). The public comment period ended on March 25, 2021, and 19 comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

## III. Discussion of Comments

FMCSA received 19 comments in this proceeding, one of which was a duplicate. Most of the comments received were either for or against the issuance of exemptions from the epilepsy and seizure disorders prohibition and not in response to the exemption requests from the specific seven applicants for which the Agency requested comments. There were nine comments in support of issuing exemptions from the epilepsy and seizure disorders prohibition. There were eight comments against the issuance of exemptions from the epilepsy and seizure disorders prohibition. The commenters that were against stated it would be a safety risk and danger to everyone on the road to allow these individuals to drive. Several pointed out that a seizure can occur unexpectedly while driving, causing a loss of consciousness, even if the individual is taking their medication as prescribed. In addition, there was one comment that specifically addressed the seven applicants and was only in support of an exemption being granted to Thomas A. Marx because his last seizure was more than 20 years ago. The commenter suggested that another 5-year waiting period be applied to the other six applicants. The commenter stated that at least 15 years of no recorded seizures or complications with epilepsy should be noted before allowing these individuals to operate a CMV. As stated in the February 23, 2021, notice, to be considered for an exemption from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (78 FR 3069). These recommendations state that drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. The Agency also conducted an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. Based on this information and the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (78 FR 3069), the Agency believes the drivers in this notice have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

## IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the 2007 recommendations of the Agency's Medical Expert Panel. The Agency conducted an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. A summary of each applicant's seizure history was discussed in the February 23, 2021, **Federal Register** notice (FR 86 11044) and will not be repeated in this notice.

These seven applicants have been seizure-free over a range of 9 to 26 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last 2 years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in § 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

## V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) Each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

## VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

## VII. Conclusion

Based upon its evaluation of the seven exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, § 391.41(b)(8), subject to the requirements cited above:

Sayed K. Abbed (IL)

Devante Carter (IL)

David R. Frantz (PA)

Brian P. Klein (IN)

Thomas A. Marx (WA)

Jeffrey Smith, Jr. (FL)

Eric R. Smits (WI)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2021–08066 Filed 4–19–21; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2021–0005]**

### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of denials.

**SUMMARY:** FMCSA announces its decision to deny applications from 28 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing materials in the docket, contact Dockets Operations, (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

## I. Public Participation

### *A. Viewing Comments*

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2021–0005, in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

### *B. Privacy Act*

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

## II. Background

FMCSA received applications from 28 individuals who requested an exemption from the vision standard in the FMCSRs.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10).

## III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. FMCSA grants exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency.

## IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10). Therefore, the 28 applicants in this notice have been denied exemptions from the physical qualification standards in § 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 16 applicants had no experience operating a CMV:

Jamarion D. Allen (TX)
Said Atrach (FL)
Brandon P. Bryant (CA)
Kenneth J. Dever (PA)
Jason R. Ewing (IL)
Steven D. Gann (GA)
Sebastien C. Guilbot (MD)
Jeremy J. Lawrence Davis (FL)
Jeffrey C. Layer (MN)
Silas Lee (NC)
Jay W. Magnuson (WA)
Jeremy H. Norton (CT)
Keith F. Reynolds (OK)
Richard D. Shofner (MN)
Lawrence N. Tuihalamaka (ND)
Jason R. Wolf (CO)

The following six applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

Bradley F. Bodeker (FL)
Ian Coleman (WA)
Dave Counts (IN)
John L. Horvath (MI)
Brandon A. Oldro (MO)
Conner B. Todd (NE)

The following three applicants did not have 3 years of recent experience driving a CMV on public highways with their vision deficiencies:

Davis J. Charles (AL); David Hunt (AR); and Hector A. Mercado (FL)

The following two applicants did not have sufficient driving experience over the past 3 years under normal highway operating conditions (gaps in driving record):

William Y. Gomez Denis (FL); and Reniery A. Mendez Erazo (MO)

The following applicant was denied for multiple reasons:

Sandra K. Macklen (SC)

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2021–08065 Filed 4–19–21; 8:45 am]

BILLING CODE 4910–EX–P

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## DEPARTMENT OF THE TREASURY

## Office of Foreign Assets Control

## Notice of OFAC Sanctions Actions

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for effective date.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480.

**SUPPLEMENTARY INFORMATION:**

### Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

### Notice of OFAC Actions

On April 15, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

*Individuals*

1. GROMOV, Alexei Alexeyevich, Russia; DOB 31 May 1960; POB Zagorsk (Sergiev, Posad), Moscow Region, Russia; nationality Russia; Gender Male; First Deputy Chief of Staff of the Presidential Executive Office; First Deputy Head of Presidential Administration; First Deputy Presidential Chief of Staff (individual) [UKRAINE–EO13661] [ELECTION–EO13848].

Designated pursuant to section 2(a)(i) of Executive Order 13848 of September 12, 2018, ''Imposing Certain Sanctions in the Event of Foreign Interference in a United States Election,'' (E.O. 13848) for having directly or indirectly engaged in, sponsored, concealed, or otherwise been complicit in foreign interference in a United States election.

2. MALKEVICH, Alexander Aleksandrovich, St. Petersburg, Russia; DOB 14 Jun 1975; POB Leningrad, Russia; nationality Russia; Gender Male; Passport 717637093 (Russia); National ID No. 781005202108 (Russia) (individual) [UKRAINE–EO13661] [CYBER2] [ELECTION–EO13848] (Linked To: USA REALLY; Linked To: PRIGOZHIN, Yevgeniy Viktorovich).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of Executive Order 13694 of April 1, 2015, ''Blocking Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities,'' as amended by Executive Order 13757 of December 28, 2016, ''Taking Additional

Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities,'' (E.O. 13694, as amended) for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section l(a)(ii)(C)(2) of Executive Order 13661 of March 16, 2014, ''Blocking Property of Additional Persons Contributing to the Situation in Ukraine,'' (E.O. 13661) for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13661.

3. SHCHERBAKOV, Kirill Konstantinovich, Moscow, Russia; DOB 18 May 1968; POB Russia; nationality Russia; Gender Male; Tax ID No. 774302261730 (Russia) (individual) [UKRAINE–EO13661] [CYBER2] [ELECTION–EO13848] (Linked To: OOO YUNIDZHET).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, OOO YUNIDZHET, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, OOO YUNIDZHET, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section l(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, OOO YUNIDZHET, a person whose property and interests in property are blocked pursuant to E.O. 13661.

4. STEPANOV, Artem Nikolaevich (Cyrillic: СТЕПАНОВ, Артём Николаевич), Moscow, Russia; DOB 31 Mar 1980; POB Russia; nationality Russia; Gender Male; Tax ID No. 504403080602 (Russia) (individual) [UKRAINE–EO13661] [CYBER2] [ELECTION–EO13848] (Linked To: PRIGOZHIN, Yevgeniy Viktorovich).

Designated pursuant to section 2(a)(ii) of E.O. 13848 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section 1(a)(iii)(B) E.O. 13694, as amended for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 1(a)(ii)(D)(2) of E.O. 13661 for having materially assisted sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13661.

5. ZUEVA, Mariya Evgenevna (a.k.a. ZUEVA, Mariia Yevgenyevna), Moscow, Russia; DOB 28 May 1983; POB Russia; nationality Russia; Gender Female; Tax ID No. 331403452400 (Russia) (individual) [UKRAINE–EO13661] [CYBER2] [ELECTION–EO13848] (Linked To: OOO YUNIDZHET).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, OOO YUNIDZHET, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, OOO YUNIDZHET, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section l(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, OOO YUNIDZHET, a person whose property and interests in property are blocked pursuant to E.O. 13661.

6. AHMED, Shahzad (a.k.a. AMIN, Shahzad), Lahore, Pakistan; DOB 14 Dec 1987; nationality Pakistan; Email Address *shy4angels@gmail.com;* alt. Email Address *shahzadsmb@gmail.com;* Gender Male; National ID No. 3420204688179 (Pakistan) (individual) [CYBER2] [ELECTION–EO13848] (Linked To: SECONDEYE SOLUTION).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SECONDEYE SOLUTION, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SECONDEYE SOLUTION, a person whose property and interests in property are blocked pursuant E.O. 13694, as amended.

7. HASNAIN, Syed Johar, Karachi, Pakistan; DOB 30 Dec 1987; nationality Pakistan; Gender Male; National ID No. 4220106151401 (Pakistan) (individual) [CYBER2] [ELECTION–EO13848] (Linked To: SECONDEYE SOLUTION).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SECONDEYE SOLUTION, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SECONDEYE SOLUTION, a person whose property and interests in property are blocked pursuant E.O. 13694, as amended.

8. HAYAT, Muhammad Khizar (a.k.a. AL KARBALAI, Muhammad Khizar; a.k.a. HAYAT JAFFRI, Muhammad Khizar; a.k.a. HAYAT, Mohammad Khizar), Karachi, Pakistan; DOB 14 Jul 1994; POB Karachi, Pakistan; nationality Pakistan; Email Address *khizarh11@yahoo.com;* alt. Email Address *khizarhayat.jaffri@yahoo.com;* alt. Email Address *muhammadkhizar.hayatjaffri@yahoo.com;* alt. Email Address *mygreentree59@yahoo.com;* alt. Email Address *khizar14hayat@gmail.com;* alt. Email Address *muhammadkhizarhayat jaffri@yahoo.com;* Gender Male; Passport EB617700 (Pakistan); National ID No. 4210191597005 (Pakistan) (individual) [CYBER2] [ELECTION–EO13848] (Linked To: SECONDEYE SOLUTION).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SECONDEYE SOLUTION, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SECONDEYE SOLUTION, a person whose property

and interests in property are blocked pursuant E.O. 13694, as amended.

9. RAZA, Mujtaba Ali (a.k.a. LILANI, Mujtaba Ali; a.k.a. RAZA, Mujtaba), Karachi, Pakistan; DOB 21 Oct 1987; nationality Pakistan; Email Address *threatcc@gmail.com;* alt. Email Address *mujtaba@forwarderz.com;* Gender Male; Digital Currency Address—XBT 1KSAbh5trMCTZwh iNsuUQvfTtSSTT8zqRk; alt. Digital Currency Address—XBT 1BiUFjzH6wsT73U3 tfy4aXHCQsYQHzjk5h; Digital Currency Address—LTC LeKvNdNEzg QkzVVnRdV3fAu2DSF1nLsNw6; Digital Currency Address—XVG DFFJhnQNZf8rf 67tYnesPu7MuGUpYtzv7Z; National ID No. 4220104113771 (Pakistan) (individual) [CYBER2] [ELECTION–EO13848] (Linked To: SECONDEYE SOLUTION).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SECONDEYE SOLUTION, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SECONDEYE SOLUTION, a person whose property and interests in property are blocked pursuant E.O. 13694, as amended.

10. RAZA, Syed Ali (a.k.a. RAZA ZAIDI, Syed Ali), Karachi, Pakistan; DOB 15 Oct 1992; nationality Pakistan; Email Address *syedaliraza940@gmail.com;* alt. Email Address *raza.zaidi92@yahoo.com;* alt. Email Address *kool_boy92@hotmail.com;* alt. Email Address *s.alirz92@gmail.com;* Gender Male; National ID No. 4220157603253 (Pakistan) (individual) [CYBER2] [ELECTION–EO13848] (Linked To: SECONDEYE SOLUTION).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SECONDEYE SOLUTION, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SECONDEYE SOLUTION, a person whose property and interests in property are blocked pursuant E.O. 13694, as amended.

11. RAZA, Mohsin (a.k.a. AMIRI, Mohsin Raza), Karachi, Pakistan; DOB 25 May 1986; nationality Pakistan; Email Address *alimohsin228@gmail.com;* alt. Email Address *mohsinrazaamiri@gmail.com;* alt. Email Address *alimohsin228@yahoo.com;* alt. Email Address *amestypezx@yahoo.com;* alt. Email Address *mohsin@forwarderz.com;* alt. Email Address *great_guy1102002@yahoo.com;* Gender Male; National ID No. 4220198261523 (Pakistan) (individual) [CYBER2] [ELECTION–EO13848] (Linked To: SECONDEYE SOLUTION).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SECONDEYE SOLUTION, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, SECONDEYE SOLUTION, a person whose property and interests in property are blocked pursuant E.O. 13694, as amended.

12. AFANASYEVA, Yulia Andreevna (Cyrillic: АФАНАСЬЕВА, Юлия Андреевна), St. Petersburg, Russia; DOB 24 Feb 1988; Gender Female; Tax ID No. 782516327349 (Russia) (individual) [UKRAINE–EO13661] [CYBER2] [ELECTION–EO13848].

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section l(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13661.

13. BYCHKOV, Pyotr Aleksandrovich (Cyrillic: БЫЧКОВ, Пётр Александрович) (a.k.a. BICHKOV, Peter Alexandrovich; a.k.a. BYCHKOV, Petr Alexandrovich), St. Petersburg, Russia; DOB 25 Nov 1987; Gender Male; Tax ID No. 782513941021 (Russia) (individual) [UKRAINE–EO13661] [CYBER2] [ELECTION–EO13848] (Linked To: PRIGOZHIN, Yevgeniy Viktorovich).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section l(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13661.

14. KILIMNIK, Konstantin Viktorovich (Cyrillic: КИЛИМНИК, Константин Викторович), Moscow, Russia; Kyiv, Ukraine; DOB 27 Apr 1970; POB Kyiv, Ukraine; nationality Ukraine; citizen Ukraine; Gender Male; Passport 752512703 (Russia) (individual) [UKRAINE–EO13660] [ELECTION–EO13848] (Linked To: YANUKOVYCH, Viktor Fedorovych).

Designated pursuant to section 2(a)(i) of E.O. 13848 for having directly or indirectly engaged in, sponsored, concealed, or otherwise been complicit in foreign interference in a United States election.

Designated pursuant to section 1(a)(v) of Executive Order 13660 of March 6, 2014, ''Blocking Property of Certain Persons Contributing to the Situation in Ukraine,'' (E.O. 13660) for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, VIKTOR FEDOROVYCH YANUKOVYCH, a person whose property and interests in property are blocked pursuant to E.O. 13661.

15. PRIBYSHIN, Taras Kirillovich, St. Petersburg, Russia; DOB 28 Jun 1991; nationality Russia; Gender Male (individual) [UKRAINE–EO13661] [CYBER2] [ELECTION–EO13848] (Linked To: PRIGOZHIN, Yevgeniy Viktorovich; Linked To: INTERNET RESEARCH AGENCY LLC).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned

or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN and the INTERNET RESEARCH AGENCY LLC, persons whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN and the INTERNET RESEARCH AGENCY LLC, persons whose property and interests in property are blocked pursuant E.O. 13694, as amended.

Also designated pursuant to section l(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant E.O. 13661.

16. TYURIN, Denis Valeriyevich (Cyrillic: ТЮРИН, Денис Валерьевич), Moscow, Russia; DOB 01 Apr 1976; POB Russia; nationality Russia; Gender Male (individual) [NPWMD] [CYBER2] [CAATSA—RUSSIA] (Linked To: MAIN INTELLIGENCE DIRECTORATE).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Russian MAIN INTELLIGENCE DIRECTORATE, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 224(a)(1)(B) of the Countering America's Adversaries Through Sanctions Act, Public Law 115–44, (CAATSA), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Russian MAIN INTELLIGENCE DIRECTORATE, a person designated under Section 224(a)(1)(A) of CAATSA.

Also designated pursuant to section 1(a)(iv) of Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and their Supporters,'' 70 FR 38567, CFR 3, 2006 Comp., p. 170 (E.O. 13382), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the MAIN INTELLIGENCE DIRECTORATE, a person whose property and interests in property are blocked pursuant to E.O. 13382.

*Entities*

1. THE FOUNDATION FOR NATIONAL VALUES PROTECTION (Cyrillic: ФОНДА ЗАЩИТЫ НАЦИОНАЛЬНЫХ ЦЕННОСТЕЙ) (a.k.a. ''FZNC''), Moscow, Russia; website *fznc.world* [UKRAINE–EO13661] [CYBER2] [ELECTION–EO13848] (Linked To: MALKEVICH, Alexander Aleksandrovich; Linked To: PRIGOZHIN, Yevgeniy Viktorovich).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN and ALEXANDER ALEKSANDROVICH MALKEVICH, persons whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN and ALEXANDER ALEKSANDROVICH MALKEVICH, persons whose property and interests in property are blocked pursuant E.O. 13694, as amended.

Also designated pursuant to section l(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN and ALEXANDER ALEKSANDROVICH MALKEVICH, persons whose property and interests in property are blocked pursuant E.O. 13661.

2. OOO ALKON (a.k.a. ''LIMITED LIABILITY COMPANY ALKON''), Moscow, Russia; Organization Established Date 07 Jul 2006; Tax ID No. 7703599373 (Russia) [UKRAINE–EO13661] [CYBER2] [ELECTION–EO13848] (Linked To: SHCHERBAKOV, Kirill Konstantinovich).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KIRILL KONSTANTINOVICH SHCHERBAKOV, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KIRILL KONSTANTINOVICH SHCHERBAKOV, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section l(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KIRILL KONSTANTINOVICH SHCHERBAKOV, a person whose property and interests in property are blocked pursuant to E.O. 13661.

3. OOO YUNIDZHET (Cyrillic: ООО ЮНИДЖЕТ) (a.k.a. UNIJET; a.k.a. ''UNIJET COMPANY LIMITED''), Moscow, Russia; website *unijet.ru;* Organization Established Date 10 Dec 2009; Tax ID No. 7703711949 (Russia) [UKRAINE–EO13661] [CYBER2] [ELECTION–EO13848] (Linked To: PRIGOZHIN, Yevgeniy Viktorovich).

Designated pursuant to section 2(a)(ii) of E.O. 13848 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section 1(a)(iii)(B) of E.O. 13694, as amended for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 1(a)(ii)(D)(2) of E.O. 13661 for having materially assisted sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13661.

4. NEWSFRONT, Ukraine; website *news-front.info;* Organization Type: News agency activities [NPWMD] [CYBER2] [CAATSA—RUSSIA] [ELECTION–EO13848] (Linked To: FEDERAL SECURITY SERVICE).

Designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the FEDERAL SECURITY SERVICE, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 224(a)(1)(B) of the Countering America's Adversaries Through Sanctions Act, Public Law 115–44, (CAATSA), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Russian FEDERAL SECURITY SERVICE, a

person designated under Section 224(a)(1)(A) of CAATSA.

Also designated pursuant to section 1(a)(iii) of E.O. 13382, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the FEDERAL SECURITY SERVICE, a person whose property and interests in property are blocked pursuant to E.O. 13382.

5. FRESH AIR FARM HOUSE (a.k.a. FRESH AIR FARM HOUSE KARACHI), Karachi, Pakistan; Phone Number 923453272659; alt. Phone Number 923209299030 [CYBER2] [ELECTION–EO13848] (Linked To: RAZA, Mohsin; Linked To: RAZA, Mujtaba Ali).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, MUJTABA ALI RAZA and MOSHIN RAZA, persons whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, MUJTABA ALI RAZA and MOSHIN RAZA, persons whose property and interests in property are blocked pursuant E.O. 13694, as amended.

6. LIKE WISE, Shop No 5, Jamshed Quarter, Karachi, Pakistan; Phone Number 923452179668; Registration Number 4220198261523 (Pakistan) [CYBER2] [ELECTION–EO13848] (Linked To: RAZA, Mohsin; Linked To: RAZA, Mujtaba Ali).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, MUJTABA ALI RAZA and MOSHIN RAZA, persons whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, MUJTABA ALI RAZA and MOSHIN RAZA, persons whose property and interests in property are blocked pursuant E.O. 13694, as amended.

7. MKSOFTTECH, Karachi, Pakistan; 631–C, 6th Floor, Mashriq Center, Stadium Road, Karachi, Pakistan; website *mksofttech.com;* Email Address *info@mksofttech.com* [CYBER2] [ELECTION–EO13848] (Linked To: RAZA, Mohsin; Linked To: RAZA, Mujtaba Ali).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, MUJTABA ALI RAZA and MOSHIN RAZA, persons whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, MUJTABA ALI RAZA and MOSHIN RAZA, persons whose property and interests in property are blocked pursuant E.O. 13694, as amended.

8. SECONDEYE SOLUTION (a.k.a. FORWARDERZ), Karachi, Pakistan; website *secondeyesolution.su;* alt. website *secondeyesolution.ch;* alt. website *secondeyesolution.ru;* alt. website *secondeyesolution.com;* alt. website *forwarderz.com;* alt. website *secondeyehost.com;* Email Address *support@secondeyesolution.com;* alt. Email Address *info@forwarderz.com;* alt. Email Address *forwarderz@yahoo.com;* alt. Email Address *forwarderzlive@google.com;* alt. Email Address *forwarderzlive@hotmail.com;* alt. Email Address *support@secondeyehost.com;* Digital Currency Address—XBT 1NE2NiGhhbkFPSEyNWwj7hKGhGDedBtSrQ; alt. Digital Currency Address—XBT 19D8PHBjZH29uS1uPZ4m3sVyqqfF8UFG9o; alt. Digital Currency Address—XBT 1EYitrwBYNWuTBcjZFbEUdqHppe2raLpaF; alt. Digital Currency Address—XBT 1G9CKRHA3mx22DoT1QyNYrh85VSQ19Y1em; alt. Digital Currency Address—XBT 182NGZbPJXwg2WDrhrPpR7tpiGQkNPF844; alt. Digital Currency Address—XBT 1NayLEVF3bEEbDtdF2Cwso1VdEtvVNh2qX; alt. Digital Currency Address—XBT 16PhXY3hNNMTo8kpuJx2emh713KbWpkqci; alt. Digital Currency Address—XBT 1GqChmWqGtsaLrGbHfgdrV5Nkvahtjjuxr; alt. Digital Currency Address—XBT 18Ke1QWE9nQfXuhJijHggZuPJ5ZYxapoBK; alt. Digital Currency Address—XBT 1QJUiNsNfji6mR1FjAwf6Eg9NxxHPoxpWL; alt. Digital Currency Address—XBT 1DtGgdCi9VPKz2Bpq8GQhUQEPnQ5HwaT9n; Digital Currency Address—ETH 0x1da5821544e25c636c1417ba96ade4cf6d2f9b5a; alt. Digital Currency Address—ETH 0x7Db418b5D567A4e0E8c59Ad71BE1FcE48f3E6107; alt. Digital Currency Address—ETH 0x72a5843cc08275C8171E582972Aa4fDa8C397B2A; alt. Digital Currency Address—ETH 0x7F19720A857F834887FC9A7bC0a0fBe7Fc7f8102; Digital Currency Address—LTC LQAhYwwK5AR1JQiQPr7vu8Pu4b6qcxxvNB; alt. Digital Currency Address—LTC LgwmgYnraU2uBWHVFUDgAmFCPYj5Yw8C9L; alt. Digital Currency Address—LTC LeKvNdNEzgQkzVVnRdV3fAu2DSF1nLsNw6; Digital Currency Address—BCH 18M8bJWMzWHDBMxoLqjHHAffdRy4SrzkfB [CYBER2] [ELECTION–EO13848] (Linked To: INTERNET RESEARCH AGENCY LLC).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the INTERNET RESEARCH AGENCY LLC, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the INTERNET RESEARCH AGENCY LLC, a person whose property and interests in property are blocked pursuant E.O. 13694, as amended.

9. THE OXYTECH, Karachi, Pakistan; website *theoxytech.com;* Email Address *support@theoxytech.com* [CYBER2] [ELECTION–EO13848] (Linked To: RAZA, Mujtaba Ali; Linked To: RAZA, Mohsin).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, MUJTABA ALI RAZA and MOSHIN RAZA, persons whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, MUJTABA ALI RAZA and MOSHIN RAZA, persons whose property and interests in property are blocked pursuant E.O. 13694, as amended.

10. SOUTHFRONT (a.k.a. SOUTH FRONT; a.k.a. SOUTHFRONT: ANALYSIS & INTELLIGENCE), Russia; website *southfront.org;* Digital Currency Address—XBT 3Gbs4rjcVUtQd8p3CiFUCxPLZwRqurezRZ; Digital Currency Address—ETH 0x9f4cda013e354b8fc285bf4b9a60460cee7f7ea9; Organization Type: News agency activities; Digital Currency Address—BCH qpf2cphc5dkuclkqur7lhj2yuqq9pk3hmukle77vhq [NPWMD] [CYBER2] [ELECTION–EO13848] (Linked To: FEDERAL SECURITY SERVICE).

Designated pursuant to section 2(a)(i) of E.O. 13848 for having directly or indirectly engaged in, sponsored, concealed, or otherwise been complicit in foreign interference in a United States election.

Also designated pursuant to section 1(a)(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored or provided financial, material, or technological support for, or goods or services to or in support of, the FEDERAL SECURITY SERVICE, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 1(a)(iii) of E.O. 13382, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the FEDERAL SECURITY SERVICE, a person whose property and interests in property are blocked pursuant to E.O. 13382.

11. THE STRATEGIC CULTURE FOUNDATION (Cyrillic: ФОНД СТРАТЕГИЧЕСКОЙ КУЛЬТУРЫ), Russia; website *strategic-culture.org;* Organization Type: News agency activities [ELECTION–EO13848].

Designated pursuant to section 2(a)(i) of E.O. 13848 for having directly or indirectly engaged in, sponsored, concealed, or otherwise been complicit in foreign interference in a United States election.

12. ASSOCIATION FOR FREE RESEARCH AND INTERNATIONAL COOPERATION (a.k.a. ''AFRIC''), Russia; Email Address *Africonline@protonmail.com;* Digital Currency Address—ZEC t1MMXtBrSp1XG38Lx9cePcNUCJj5vdWfUWL; Digital Currency Address—DASH XyARKoupuArYtToA2S6yMdnoquDCDaBsaT [UKRAINE–EO13661] [CYBER2] [ELECTION–EO13848] (Linked To: PRIGOZHIN, Yevgeniy Viktorovich).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section l(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13661.

13. INTERNATIONAL ANTICRISIS CENTER (Cyrillic: МЕЖДУНАРОДНЫЙ АНТИКРИЗИСНЫЙ ЦЕНТР), Russia; website *anticrisis.cc;* Email Address *info@anticrisis.cc* [UKRAINE–EO13661] [CYBER2] [ELECTION–EO13848] (Linked To: PRIGOZHIN, Yevgeniy Viktorovich).

Designated pursuant to section 2(a)(iii) of E.O. 13848 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section l(a)(ii)(C)(2) of E.O. 13661 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13661.

14. TRANS LOGISTIK, OOO (Cyrillic: ООО ТРАНС ЛОГИСТИК) (a.k.a. ''TRANS LOGISTIC''), d. 37 litera A etazh, pom., ofis 2/66/215, prospekt Stachek, St. Petersburg 198097, Russia; Tax ID No. 7805719070 (Russia); Government Gazette Number 20567335 (Russia); Registration Number 1177847397848 (Russia) [UKRAINE–EO13661] [CYBER2] [ELECTION–EO13848] (Linked To: PRIGOZHIN, Yevgeniy Viktorovich).

Designated pursuant to section 2(a)(ii) of E.O. 13848 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13848.

Also designated pursuant to section 1(a)(iii)(B) of E.O. 13694, as amended for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 1(a)(ii)(D)(2) of E.O. 13661 for having materially assisted sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, YEVGENIY VIKTOROVICH PRIGOZHIN, a person whose property and interests in property are blocked pursuant to E.O. 13661.

15. IA INFOROS, OOO (Cyrillic: ООО ИА ИНФОРОС) (a.k.a. INFOROS INFORMATION AGENCY, CO, LTD.; a.k.a. NEWS AGENCY INFOROS), Moscow, Russia; website *inforos.ru;* Organization Type: News agency activities; Tax ID No. 5025021509 (Russia) [NPWMD] [CYBER2] [CAATSA—RUSSIA] (Linked To: MAIN INTELLIGENCE DIRECTORATE).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Russian MAIN INTELLIGENCE DIRECTORATE, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 224(a)(1)(B) of the Countering America's Adversaries Through Sanctions Act, Public Law 115–44, (CAATSA), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Russian MAIN INTELLIGENCE DIRECTORATE, a person designated under Section 224(a)(1)(A) of CAATSA.

Also designated pursuant to section 1(a)(iv) of E.O. 13382, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the MAIN INTELLIGENCE DIRECTORATE, a person whose property and interests in property are blocked pursuant to E.O. 13382.

16. INFOROS, OOO (Cyrillic: ООО ИА ИНФОРОС), Moscow, Russia; Organization Type: News agency activities; Identification Number 7727214569 (Russia) [NPWMD] [CYBER2] [CAATSA—RUSSIA] (Linked To: MAIN INTELLIGENCE DIRECTORATE).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13694, as amended, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Russian MAIN INTELLIGENCE DIRECTORATE, a person whose property and interests in property are

blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 224(a)(1)(B) of the Countering America's Adversaries Through Sanctions Act, Public Law 115–44, (CAATSA), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Russian MAIN INTELLIGENCE DIRECTORATE, a person designated under Section 224(a)(1)(A) of CAATSA.

Also designated pursuant to section 1(a)(iv) of E.O. 13382, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the MAIN INTELLIGENCE DIRECTORATE, a person whose property and interests in property are blocked pursuant to E.O. 13382.

Dated: April 15, 2021.

**Bradley T. Smith,**

*Acting Director, Office of Foreign Assets Control.*

[FR Doc. 2021–08087 Filed 4–19–21; 8:45 am]

BILLING CODE 4810–AL–P

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

### Notice of OFAC Sanctions Actions

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for effective date(s).

**FOR FURTHER INFORMATION CONTACT:** OFAC: Andrea Gacki, Director, tel.: 202–622–2480; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

**SUPPLEMENTARY INFORMATION:**

### Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

### Notice of OFAC Action[s]

On April 15, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

BILLING CODE 4810–AL–P

**Entities**

1. AKTSIONERNOE OBSHCHESTVO AST (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО АСТ) (a.k.a. AST, AO), d. 3k2 str. 4 etazh 5 kom. 55, shosse Kashirskoe, Moscow 115230, Russia; Tax ID No. 7724244406 (Russia) [NPWMD] [CYBER2] [CAATSA - RUSSIA] [RUSSIA-EO].

   Designated pursuant to section 1(a)(i) Executive Order (E.O.) of April 15, 2021, "Blocking Property with Respect to Specified Harmful Foreign Activities of the Government of the Russian Federation," (E.O. of April 15, 2021) for operating or having operated in the technology sector or the defense and related materiel sector of the Russian Federation economy.

   Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the Russian FEDERAL SECURITY SERVICE, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

   Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the Russian MAIN INTELLIGENCE DIRECTORATE, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

   Also designated pursuant to section 224(a)(1)(B) of the Countering America's Adversaries Through Sanctions Act, Public Law 115-44, (CAATSA), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Russian FEDERAL SECURITY SERVICE, a person designated under Section 224(a)(1)(A) of CAATSA.

   Also designated pursuant to section 224(a)(1)(B) of the Countering America's Adversaries Through Sanctions Act, Public Law 115-44, (CAATSA), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Russian MAIN INTELLIGENCE DIRECTORATE, a person designated under Section 224(a)(1)(A) of CAATSA.

   Also designated pursuant to section 1(a)(iv) of E.O. 13382, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the FEDERAL SECURITY SERVICE, a person whose property and interests in property are blocked pursuant to E.O. 13382.

   Also designated pursuant to section 1(a)(iv) of E.O. 13382, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the MAIN INTELLIGENCE DIRECTORATE, a person whose property and interests in property are blocked pursuant to E.O. 13382.

2. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU NEOBIT (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ НЕОБИТ) (a.k.a. NEOBIT, OOO), d. 21 litera G, ul. Gzhatskaya, St. Petersburg 195220, Russia; Tax ID No. 7804360292 (Russia) [NPWMD] [CYBER2] [CAATSA - RUSSIA] [RUSSIA-EO]

(Linked To: FEDERAL SECURITY SERVICE; Linked To: MAIN INTELLIGENCE DIRECTORATE).

Designated pursuant to section 1(a)(i) of E.O. of April 15, 2021 for operating or having operated in the technology sector or the defense and related materiel sector of the Russian Federation economy.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the Russian FEDERAL SECURITY SERVICE, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the Russian MAIN INTELLIGENCE DIRECTORATE, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 224(a)(1)(B) of the Countering America's Adversaries Through Sanctions Act, Public Law 115-44, (CAATSA), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Russian FEDERAL SECURITY SERVICE, a person designated under Section 224(a)(1)(A) of CAATSA.

Also designated pursuant to section 224(a)(1)(B) of the Countering America's Adversaries Through Sanctions Act, Public Law 115-44, (CAATSA), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Russian MAIN INTELLIGENCE DIRECTORATE, a person designated under Section 224(a)(1)(A) of CAATSA.

Also designated pursuant to section 1(a)(iv) of E.O. 13382, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the FEDERAL SECURITY SERVICE, a person whose property and interests in property are blocked pursuant to E.O. 13382.

Also designated pursuant to section 1(a)(iv) of E.O. 13382, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the MAIN INTELLIGENCE DIRECTORATE, a person whose property and interests in property are blocked pursuant to E.O. 13382.

3. AKTSIONERNOE OBSHCHESTVO POZITIV TEKNOLODZHIZ (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ПОЗИТИВ ТЕКНОЛОДЖИЗ) (a.k.a. JSC POSITIVE TECHNOLOGIES; a.k.a. POZITIV TEKNOLODZHIZ, AO), d. 23A pom. V kom, 30, shosse Shchelkovskoe, Moscow 107241, Russia; Website www.ptsecurity.ru; alt. Website www.ptsecurity.com; Tax ID No. 7718668887 (Russia) [NPWMD] [CYBER2] [CAATSA - RUSSIA] [RUSSIA-EO] (Linked To: FEDERAL SECURITY SERVICE).

Designated pursuant to section 1(a)(i) of E.O. of April 15, 2021 for operating or having operated in the technology sector or the defense and related materiel sector of the Russian Federation economy.

Also designated pursuant to section l(a)(iii)(C) of E.O. 13694, as amended for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, FEDERAL SECURITY SERVICE, a person whose property and interests in property are blocked pursuant to E.O. 13694, as amended.

Also designated pursuant to section 224(a)(1)(B) of the Countering America's Adversaries Through Sanctions Act, Public Law 115-44, (CAATSA), for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Russian FEDERAL SECURITY SERVICE, a person designated under Section 224(a)(1)(A) of CAATSA.

Also designated pursuant to section 1(a)(iv) of E.O. 13382, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the FEDERAL SECURITY SERVICE, a person whose property and interests in property are blocked pursuant to E.O. 13382.

4. FEDERAL STATE AUTONOMOUS INSTITUTION MILITARY INNOVATIVE TECHNOPOLIS ERA (Cyrillic: ФЕДЕРАЛЬНОЕ ГОСУДАРСТВЕННОЕ АВТОНОМНОЕ УЧРЕЖДЕНИЕ "ВОЕННЫЙ ИННОВАЦИОННЫЙ ТЕХНОПОЛИС ЭРА; Cyrillic: ФГАУ ВИТ ЭРА; Cyrillic: ТЕХНОРОЛИС ЭРА; Cyrillic: ВОЕННЫЙ ИННОВАЦИОННЫЙ ТЕХНОРОЛИС ЭРА) (a.k.a. ERA MILITARY INNOVATION TECHNOPOLIS; a.k.a. FGAU VIT ERA), Pionerskiy Prospekt, 41, Anapa, Krasnodar Krai 353456, Russia; Website www.era-tehnopolis.ru; Email Address era_1@mil.ru; Tax ID No. 2539025440 (Russia) [RUSSIA-EO].

   Designated pursuant to section 1(a)(i) of E.O. of April 15, 2021 for operating or having operated in the technology sector or the defense and related materiel sector of the Russian Federation economy.

5. AKTSIONERNOE OBSHCHESTVO PASIT (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ПАСИТ) (a.k.a. PASIT, AO), Avenue Leninsky, Building 30, Premise IA, Moscow 11934, Russia; Tax ID No. 7736185530 (Russia) [RUSSIA-EO].

   Designated pursuant to section 1(a)(i) of E.O. of April 15, 2021 for operating or having operated in the technology sector or the defense and related materiel sector of the Russian Federation economy.

6. FEDERAL STATE AUTONOMOUS SCIENTIFIC ESTABLISHMENT SCIENTIFIC RESEARCH INSTITUTE SPECIALIZED SECURITY COMPUTING DEVICES AND AUTOMATION (Cyrillic: ФЕДЕРАЛЬНОЕ ГОСУДАРСТВЕННОЕ АВТОНОМНОЕ НАУЧНОЕ УЧРЕЖДЕНИЕ НАУЧНО-ИССЛЕДОВАТЕЛЬСКИЙ ИНСТИТУТ СПЕЦИАЛИЗИРОВАННЫЕ ВЫЧИСЛИТЕЛЬНЫЕ УСТРОЙСТВА ЗАЩИТЫ И АВТОМАТИКА) (a.k.a. FGANU NII SPECVUZAVTOMATIKA), Rostov-On-Don, Russia; Tax ID No. 6164205270 (Russia) [RUSSIA-EO].

   Designated pursuant to section 1(a)(i) of E.O. of April 15, 2021 for operating or having operated in the technology sector or the defense and related materiel sector of the Russian Federation economy.

Dated: April 15, 2021.

**Bradley T. Smith,**

*Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.*

[FR Doc. 2021–08088 Filed 4–19–21; 8:45 am]

BILLING CODE 4810–AL–C

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

### Notice of OFAC Sanctions Actions

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for effective date(s).

**FOR FURTHER INFORMATION CONTACT:** OFAC: Andrea Gacki, Director, tel.: 202–622–2480; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

#### Notice of OFAC Action[s]

On April 15, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

BILLING CODE 4810–A2–P

**Individuals:**

1. KULINICH, Larisa Vitalievna (Cyrillic: КУЛИНИЧ, Лариса Витальевна) (a.k.a. KULINICH, Larisa (Cyrillic: КУЛИНИЧ, Лариса)), Simferopol, Crimea, Ukraine; DOB 02 Mar 1976; POB Ostapovka, Mirgorod District, Poltava Oblast, Ukraine; nationality Ukraine; alt. nationality Russia; Gender Female (individual) [UKRAINE-EO13660].

   Designated pursuant to 1(a)(ii) of Executive Order 13660 of March 6, 2014, "Blocking Property of Certain Persons Contributing to the Situation in Ukraine," 79 FR 13493 (E.O. 13660), for having asserted governmental authority over any part or region of Ukraine without the authorization of the Government of Ukraine.

2. RYZHENKIN, Leonid Kronidovich (Cyrillic: РЫЖЕНЬКИН, Леонид Кронидович) (a.k.a. RIZHENKIN, Leonid; a.k.a. RYZHENKIN, Leonid (Cyrillic: РЫЖЕНЬКИН, Леонид)), Moscow, Russia; DOB 10 Nov 1967; POB St. Petersburg, Russia; nationality Russia; Gender Male; Passport 722706177 (individual) [UKRAINE-EO13685].

   Designated pursuant to 2(a)(ii) of Executive Order 13685 of December 19, 2014, "Blocking Property of Certain Persons and Prohibiting Certain Transactions With Respect to the Crimea Region of Ukraine," 79 FR 77357 (E.O. 13685), for being a leader of an entity operating in the Crimea region of Ukraine.

3. KARANDA, Pavel Leonidovich (Cyrillic: КАРАНДА, Павел Леонидович), Crimea, Ukraine; DOB 1964; POB Omsk, Russia; nationality Russia; Gender Male (individual) [UKRAINE-EO13660].

   Designated pursuant to 1(a)(ii) of E.O. 13660 for having asserted governmental authority over any part or region of Ukraine without the authorization of the Government of Ukraine.

4. TERENTIEV, Vladimir Nikolaevich (Cyrillic: ТЕРЕНТЬЕВ, Владимир Николаевич) (a.k.a. TERENTIEV, Vladimir (Cyrillic: ТЕРЕНТЬЕВ, Владимир)), Crimea, Ukraine; DOB 11 Nov 1977; POB Voronezh, Russian Federation; nationality Russia; Gender Male (individual) [UKRAINE-EO13660].

   Designated pursuant to 1(a)(ii) of E.O. 13660 for having asserted governmental authority over any part or region of Ukraine without the authorization of the Government of Ukraine.

5. MIKHAILIUK, Leonid (Cyrillic: МИХАЙЛЮК, Леонид) (a.k.a. MIHAJLYUK, Leonid Vladimirovich (Cyrillic: МИХАЙЛЮК, Леонид Владимирович)), Franco Boulevard, House. 13, Simferopol, Crimea 295034, Ukraine; DOB 01 Jan 1970; nationality Russia; Gender Male (individual) [UKRAINE-EO13660].

   Designated pursuant to 1(a)(ii) of E.O. 13660 for having asserted governmental authority over any part or region of Ukraine without the authorization of the Government of Ukraine.

**Entities:**

1. FEDERAL GOVERNMENT INSTITUTION PRETRIAL DETENTION CENTER NO 1 OF THE DIRECTORATE OF THE FEDERAL PENITENTIARY SERVICE FOR THE REPUBLIC OF CRIMEA AND SEVASTOPOL (Cyrillic: ФЕДЕРАЛЬНОЕ КАЗЕННОЕ УЧРЕЖДЕНИЕ СЛЕДСТВЕННЫЙ ИЗОЛЯТОР NO 1 УПРАВЛЕНИЯ ФЕДЕРАЛЬНОЙ СЛУЖБЫ ИСПОЛНЕНИЯ НАКАЗАНИЙ ПО РЕСПУБЛИКЕ КРЫМ И Г. СЕВАСТОПОЛЮ) (a.k.a. DETENTION CENTER NO 1 IN SIMFEROPOL; a.k.a. FKU SIZO-1 UFSIN OF RUSSIA FOR THE REPUBLIC OF CRIMEA AND SEVASTOPOL (Cyrillic: ФКУ СИЗО-1 УФСИН РОССИИ ПО РЕСПУБЛИКЕ КРЫМ И Г. СЕВАСТОПОЛЮ); a.k.a. SIMFEROPOL REMAND PRISON; a.k.a. SIMFEROPOL SIZO), Bulvar Lenina, dom 4, Simferopol, Crimea 295006, Ukraine; Lenin Boulevard, 4, Simferopol, Crimea 295006, Ukraine; Tax ID No. 9102002109 (Russia); Registration Number 1149102002389 (Russia) [UKRAINE-EO13685].

   Designated pursuant to 2(a)(i) of E.O. 13685 for operating in the Crimea region of Ukraine.

2. JOINT-STOCK COMPANY THE BERKAKIT-TOMMOT-YAKUTSK RAILWAY LINE'S CONSTRUCTION DIRECTORATE (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ДИРЕКЦИЯ ПО СТРОИТЕЛЬСТВУ ЖЕЛЕЗНОЙ ДОРОГИ БЕРКАКИТ-ТОММОТ-ЯКУТСК) (a.k.a. AKTSIONERNOE OBSHCHESTVO DIREKTSIYA PO STROITEL'STVU ZHELEZNOY DOROGI BERKAKIT-TOMMOT-YAKUTSK; a.k.a. JSC DSZHD BTYA (Cyrillic: АО ДСЖД БТЯ); a.k.a. OPEN JOINT-STOCK COMPANY THE BERKAKIT-TOMMOT-YAKUTSK RAILWAY LINE'S CONSTRUCTION DIRECTORATE (Cyrillic: ОТКРЫТОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО ДИРЕКЦИЯ ПО СТРОИТЕЛЬСТВУ ЖЕЛЕЗНОЙ ДОРОГИ БЕРКАКИТ-ТОММОТ-ЯКУТСК)), Mayakovsky street, building 14, Aldan, Republic of Sakha (Yakutia) 678900, Russia (Cyrillic: улица Маяковского, дом 14, город Алдан, Республика Саха (Якутия) 678900, Russia); Registration ID 1121402000213 (Russia); Tax ID No. 1402015986 (Russia) [UKRAINE-EO13685].

   Designated pursuant to 2(a)(i) of E.O. 13685 for operating in the Crimea region of Ukraine.

3. LENPROMTRANSPROYEKT (Cyrillic: АО ЛЕНПРОМТРАНСПРОЕКТ) (a.k.a. LENPROMTRANSPROEKT CJSC; a.k.a. LENPROMTRANSPROYEKT JOINT-STOCK COMPANY), Kondrat'yevskiy Prospekt 15, building 5/1, 223, St. Petersburg 195197, Russia; Tax ID No. 7825064262 (Russia); Business Registration Number 1027809210054 (Russia) [UKRAINE-EO13685].

   Designated pursuant to 2(a)(i) of E.O. 13685 for operating in the Crimea region of Ukraine.

Dated: April 15, 2021.

**Bradley Smith,**

*Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.*

[FR Doc. 2021–08086 Filed 4–19–21; 8:45 am]

**BILLING CODE 4810–AL–C**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Revenue Procedure Waiver of 60-Day Rollover Requirement

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, 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 continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning waiver of 60-Day rollover requirement.

**DATES:** Written comments should be received on or before June 21, 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 should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Waiver of 60-Day Rollover Requirement.

*OMB Number:* 1545–2269.

*Revenue Procedure:* 2020–46.

*Abstract:* Revenue Procedure 2020–46 modifies and updates Rev. Proc. 2016–47, 2016–37 I.R.B. 346. Section 3.02(2) of Rev. Proc. 2016–47 provides a list of permissible reasons for self-certification of eligibility for a waiver of the 60 day rollover requirement, and, in response to requests from stakeholders, this revenue procedure modifies that list by adding a new reason: A distribution was made to a state unclaimed property fund. As under Rev. Proc. 2016–47, a self-certification relates only to the reasons for missing the 60-day deadline, not to whether a distribution is otherwise eligible to be rolled over. An appendix contains a model letter that may be used for self-certification.

Upon receipt of a self-certification, a plan administrator or IRA trustee may accept the contribution and treat it as having satisfied the requirements for a waiver of the 60-day requirement. Currently, the only way for a taxpayer to obtain a waiver of the 60 day requirement with respect to an amount distributed to a state unclaimed property fund is to apply to the Internal Revenue Service (IRS) for a favorable ruling, which is issued by the Tax Exempt and Government Entities Division (TE/GE). The user fee for a ruling is $10,000. The program outlined in this revenue procedure permits taxpayers to receive the benefits of a waiver without paying a user fee.

*Current Actions:* There is no change to this existing revenue procedure.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or Households.

*Estimated Number of Respondents:* 160.

*Estimated Time per Response:* 3 hours.

*Estimated Total Annual Burden Hours:* 480.

The following paragraph applies to all 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 if 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. All comments will become a matter 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 5, 2021.

**Chakinna B. Clemons,**

*Supervisory Tax Analyst.*

[FR Doc. 2021–08019 Filed 4–19–21; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Low Income Taxpayer Clinic Grant Program; Availability of 2022 Grant Application Package

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice.

**SUMMARY:** This document contains a notice that the IRS has made available the 2022 Grant Application Package and Guidelines (Publication 3319) for organizations interested in applying for a Low Income Taxpayer Clinic (LITC) matching grant for the 2022 grant year, which runs from January 1, 2022, through December 31, 2022. The application period runs from May 3, 2021, through June 18, 2021.

**DATES:** All applications and requests for continued funding for the 2022 grant year must be filed electronically by 11:59 p.m. (Eastern Time) on June 18, 2021. The IRS is authorized to award multi-year grants not to exceed three years. For an organization not currently receiving a grant for 2021, an organization that received a single year grant in 2021, or an organization whose multi-year grant ends in 2021, the organization must apply electronically at *www.grants.gov.* For an organization currently receiving a grant for 2021 that is requesting funding for the second or third year of a multi-year grant, the organization must submit a Non-Competing Continuation Request for continued funding electronically at *www.grantsolutions.gov.* All organizations must use the funding number of TREAS–GRANTS–052022–001, and the Catalog of Federal Domestic Assistance program number is 21.008. See *https://beta.sam.gov/.* The LITC Program Office is scheduling a Zoom webinar to cover the full application process for May 13, 2021. See *www.irs.gov/advocate/low-income-taxpayer-clinics* for complete details, including any changes to the date, time, and the posting of materials.

**FOR FURTHER INFORMATION CONTACT:** Bill Beard at (949) 575–6200 (not a toll-free number) or by email at *beard.william@irs.gov.* The LITC Program Office is located at: IRS, Taxpayer Advocate

Service, LITC Grant Program Administration Office, TA: LITC, 1111 Constitution Avenue NW, Room 1034, Washington, DC 20224. Copies of the *2022 Grant Application Package and Guidelines,* IRS Publication 3319 (Rev. 5–2021), can be downloaded from the IRS internet site at *www.irs.gov/advocate* or ordered by calling the IRS Distribution Center toll-free at 1–800–829–3676. (Note: the ability to mail out publications from the Distribution Center may be impacted by COVID–19 and staffing levels. If so, the publication may only be available online.) A short video about the LITC program is available for your viewing.

**SUPPLEMENTARY INFORMATION:**

## Background

Pursuant to Internal Revenue Code (IRC) section 7526, the IRS will annually award up to $6,000,000 (unless otherwise provided by specific Congressional appropriation) to qualified organizations, subject to the limitations set forth in the statute. Grants may be awarded for the development, expansion, or continuation of low income taxpayer clinics. For calendar year 2021, Congress appropriated a total of $13,000,000 in federal funds for LITC matching grants. See Consolidated Appropriations Act, 2021, Public Law 116–260,134 Stat. 1182 (2020).

A qualified organization may receive a matching grant of up to $100,000 per year. A qualified organization is one that represents low-income taxpayers in controversies with the IRS and informs individuals for whom English is a second language (ESL taxpayers) of their taxpayer rights and responsibilities, and does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred).

Examples of a qualified organization include (1) a clinical program at an accredited law, business, or accounting school whose students represent low-income taxpayers in tax controversies with the IRS and (2) an organization exempt from tax under IRC section 501(a) whose employees and volunteers represent low-income taxpayers in controversies with the IRS and may also make referrals to qualified volunteers to provide representation. A clinic will be treated as representing low-income taxpayers in controversies with the IRS if at least 90 percent of the taxpayers represented by the clinic have incomes that do not exceed 250 percent of the federal poverty level, taking into account geographic location and family size. Federal poverty guidelines are published annually in the **Federal Register**. See, for example, 86 FR 7732 (Feb. 01, 2021).

In addition, the amount in controversy for the tax year to which the controversy relates generally cannot exceed the amount specified in IRC section 7463 (currently $50,000) for eligibility for special small tax case procedures in the United States Tax Court. The IRS may award grants to qualified organizations to fund one-year, two-year, or three-year project periods. Grant funds may be awarded for start-up expenditures incurred by new clinics during the grant year. IRC section 7526(c)(5) requires dollar-for-dollar matching funds.

## Mission Statement

Low Income Taxpayer Clinics ensure the fairness and integrity of the tax system for taxpayers who are low-income or speak English as a second language by: Providing *pro bono* representation on their behalf in tax disputes with the IRS; educating them about their rights and responsibilities as taxpayers; and identifying and advocating for issues that impact them.

## Selection Consideration

Despite the IRS's efforts to foster parity in availability and accessibility in the selection of organizations receiving LITC matching grants and the continued increase in clinic services nationwide, there remain communities that are underrepresented by clinics. Although each application and request for continued funding for the 2022 grant year will be given due consideration, the IRS is particularly interested in receiving applications from the following underserved geographic areas and counties that have limited or no service:

Arizona—Gila
Florida—Brevard, Citrus, Flagler, Hernando, Lake, Orange, Putnam, Seminole, Sumter
Idaho—Ada, Adams, Bannock, Bear Lake, Bingham, Boise, Bonneville, Butte, Canyon, Caribou, Clark, Clearwater, Custer, Franklin, Freemont, Gem, Idaho, Jefferson, Latah, Lemhi, Lewis, Madison, Nez Perce, Oneida, Owyhee, Payette, Power, Teton, Washington, Valley
Nevada—Entire state
North Dakota—Entire state
Pennsylvania—Bradford, Clinton, Lycoming, Monroe, Northumberland, Pike, Snyder, Sullivan, Susquehanna, Tioga, Wyoming
Puerto Rico—Entire territory
West Virginia—Entire state
Wyoming—Entire state

In determining whether to award a grant, the IRS will consider a variety of factors, including: (1) The number of taxpayers who will be assisted by the organization, including the number of ESL taxpayers in that geographic area; (2) the existence of other LITCs assisting the same population of low-income and ESL taxpayers; (3) the quality of the program offered by the organization, including the qualifications of its administrators and qualified representatives, and its record, if any, in providing representation services to low-income taxpayers; (4) the quality of the application, including the reasonableness of the proposed budget; (5) the organization's compliance with all federal tax obligations (filing and payment); (6) the organization's compliance with all federal nontax monetary obligations (filing and payment); (7) whether debarment or suspension (31 CFR part 19) applies or whether the organization is otherwise excluded from or ineligible for a federal award; and (8) alternative funding sources available to the organization, including amounts received from other grants and contributors and the endowment and resources of the institution sponsoring the organization.

Applications that pass the eligibility screening process will undergo a Technical Evaluation and must receive a minimum score to be considered further. Details regarding the scoring process can be found in Publication 3319. Applications achieving the minimum score will be subject to a Program Office evaluation. An organization submitting a request for continued funding for the second or third year of a multi-year grant will be required to submit an abbreviated Non-competing Continuation Request and will be subject to a streamlined screening process. The final funding decisions are made by the National Taxpayer Advocate, unless recused. The costs of preparing and submitting an application (or a request for continued funding) are the responsibility of each applicant. Applications and requests for continued funding may be released in response to Freedom of Information Act requests. Therefore, applicants must not include any individual taxpayer information.

The LITC Program Office will notify each applicant in writing once funding decisions have been made.

**Bridget Roberts,**

*Deputy National Taxpayer Advocate.*

[FR Doc. 2021–08122 Filed 4–19–21; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Proposed Extension of Information Collection Request Submitted for Public Comment; Information Reporting by Applicable Large Employers on Health Insurance Coverage Offered Under Employer-Sponsored Plans

**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 requirements relating to the information reporting by applicable large employers on health insurance coverage offered under employer-sponsored plans.

**DATES:** Written comments should be received on or before June 21, 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 forms 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:* Form 1094–C, Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns, Form 1095–C, Employer-Provided Health Insurance Offer and Coverage, and Form 4423, Application for Filing Affordable Care Act (ACA) Information Returns.

*OMB Number:* 1545–2251.

*Form Numbers:* Forms 1094–C, 1095–C, and 4423.

*Abstract:* This program contains regulations providing guidance to employers that are subject to the information reporting requirements under section 6056 of the Internal Revenue Code, enacted by the Patient Protection and Affordable Care Act (Pub. L. 111–148 (124 Stat.119 (2010))). Section 6056 requires those employers to report to the IRS information about their compliance with the employer shared responsibility provisions of section 4980H of the Code and about the health care coverage, if any, they have offered employees. Section 6056 also requires those employers to furnish related statements to employees in order that employees may use the statements to help determine whether, for each month of the calendar year, they can claim on their tax returns a premium tax credit under section 36B of the Code (premium tax credit).

*Title:* Form 1094–C.

*Current Actions:* There is no change to this existing collection at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households, Business or other for-profit, and not-for-profit entities.

*Estimated Number of Respondents:* 400,000.

*Estimated Time per Respondent:* 4 hours.

*Estimated Total Annual Burden Hours:* 1,600,000.

*Title:* Form 1095–C.

*Current Actions:* There is no change to this existing collection at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households, Business or other for-profit, and not-for-profit entities.

*Estimated Number of Respondents:* 105,000,000.

*Estimated Time per Respondent:* 12 minutes.

*Estimated Total Annual Burden Hours:* 21,000,000.

*Title:* Form 4423.

*Current Actions:* There is no change to this existing collection at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households, Business or other for-profit, and not-for-profit entities.

*Estimated Number of Respondents:* 6.

*Estimated Time per Respondent:* 20 minutes.

*Estimated Total Annual Burden Hours:* 2 hours.

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: April 8, 2021.

**Martha R. Brinson,**

*Tax Analyst.*

[FR Doc. 2021–08021 Filed 4–19–21; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Thursday, May 13, 2021.

**FOR FURTHER INFORMATION CONTACT:** Antoinette Ross at 1–888–912–1227 or 202–317–4110.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Thursday, May 13, 2021, at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information

please contact Antoinette Ross at 1–888–912–1227 or 202–317–4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: April 14, 2021.

**Kevin Brown,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2021–08029 Filed 4–19–21; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Recruitment Notice for the Taxpayer Advocacy Panel; Correction

**AGENCY:** Internal Revenue Service (IRS); Treasury.

**ACTION:** Notice; correction.

**SUMMARY:** In the **Federal Register** notice that was originally published on April 6, 2021, (Volume 86, Number 64, Page 17883) the state of Montana was listed in the states that the TAP is recruiting from. There were also some minor grammatical edits and corrections. All other details remain unchanged.

**DATES:** April 5, 2021 through May 14, 2021.

**FOR FURTHER INFORMATION CONTACT:** Lisa Billups at 214–413–6523 (not a toll-free call)

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Department of the Treasury and the Internal Revenue Service (IRS) are inviting individuals to help improve the nation's tax agency by applying to be members of the Taxpayer Advocacy Panel (TAP). The mission of the TAP is to listen to taxpayers, identify issues that affect taxpayers, and make suggestions for improving IRS service and customer satisfaction. The TAP serves as an advisory body to the Secretary of the Treasury, the Commissioner of Internal Revenue, and the National Taxpayer Advocate. TAP members will participate in subcommittees that channel their feedback to the IRS through the Panel's parent committee.

The IRS is seeking applicants who have an interest in good government, a personal commitment to volunteer approximately 200 to 300 hours a year, and a desire to help improve IRS customer service. As a federal advisory committee, TAP is required to have a fairly balanced membership in terms of the points of view represented. Thus, TAP membership represents a cross-section of the taxpaying public with at least one member from each state, the District of Columbia and Puerto Rico, in addition to one member representing international taxpayers. For application purposes, ''international taxpayers'' are defined broadly to include U.S. citizens working, living, or doing business abroad or in a U.S. territory. Potential candidates must be U.S. citizens, not a current employee of any Bureau of the Treasury Department or have worked for any Bureau of the Treasury Department within the three years of December 1 of the current year and must pass a federal tax compliance check and a Federal Bureau of Investigation criminal background investigation. Applicants who practice before the IRS must be in good standing with the IRS (meaning not currently under suspension or disbarment). Federally registered lobbyists cannot be members of the TAP. The IRS is seeking members or alternates in the following locations: Alabama, Arkansas, California, Connecticut, District of Columbia, Delaware, Florida, Georgia, Hawaii, Idaho, Kentucky, Massachusetts, Michigan, Missouri, Minnesota, Montana, North Dakota, Nebraska, New Hampshire, New Mexico, New York, Nevada, Oklahoma, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Wisconsin, West Virginia, Wyoming, and International.

TAP members are a diverse group of citizens who represent the interests of taxpayers, from their respective geographic locations as well as taxpayers overall. Members provide feedback from a taxpayer's perspective on ways to improve IRS customer service and administration of the federal tax system, by identifying grassroots taxpayer issues. Members should have good communication skills and be able to speak to taxpayers about TAP and its activities, while clearly distinguishing between TAP positions and their personal viewpoints.

Interested applicants should visit the TAP website at *www.improveirs.org* for more information about TAP. Applications may be submitted online at *www.usajobs.gov.* For questions about TAP membership, call the TAP toll-free number, 1–888–912–1227 and select prompt 5. Callers who are outside of the U.S. should call 214–413–6523 (not a toll-free call).

*The opening date for submitting applications is April 5, 2021 and the deadline for submitting applications is May 14, 2021.* Interviews will be held. The Department of the Treasury will review the recommended candidates and make final selections. New TAP members will serve a three-year term starting in December 2021. (Note: highly ranked applicants not selected as members may be placed on a roster of alternates who will be eligible to fill future vacancies that may occur on the Panel.)

Questions regarding the selection of TAP members may be directed to Lisa Billups, Taxpayer Advocacy Panel, Internal Revenue Service, 1111 Constitution Avenue NW, TA:TAP Room 1509, Washington, DC 20224, or 214–413–6523 (not a toll-free call).

Dated: April 14, 2021.

**Kevin Brown,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2021–08030 Filed 4–19–21; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Agreement for a Social Impact Partnership Project

**AGENCY:** Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Social Impact Partnerships to Pay for Results Act (''SIPPRA''), the U.S. Department of the Treasury (''Treasury''), the U.S. Department of Labor (''DOL''), and the New York State Energy and Research Development Authority (''NYSERDA'') have entered into an agreement for a social impact partnership project (the ''Project Grant Agreement'').

**SUPPLEMENTARY INFORMATION:** The Project Grant Agreement contains the following features:

*(1) The outcome goals of the social impact partnership project:*

The project expects to increase employment and earnings of low income individuals who may experience barriers to employment and increase the financial stability of low-income families.

*(2) A description of each intervention in the project:*

The project's interventions will be delivered by training providers located in several priority geographic regions across New York State. Training providers will be subcontracted by NYSERDA who will oversee implementation and administration of the interventions.

Training providers will provide clean energy job training and supportive services to eligible and enrolled individuals. Common intervention features and strategies across participating providers will include:

- Sectoral employment training focused on energy efficiency occupations and leading to industry recognized technical certifications (*e.g.,* Building Performance Institute (BPI)

and Occupational Safety and Health Administration (OSHA), among others);

- Work-based learning, including opportunities for apprenticeships and on-the-job training;
- Cohort models, which facilitate persistence and completion, particularly for youth;
- Direct employment of completers by training providers who are also contractors, or well-established linkages to employers, which facilitates job placement;
- ''Soft skills'' and ''21st Century Skills'' training; and
- Supportive services, such as childcare and transportation.

*(3) The target population that will be served by the project:*

The project will serve low-income individuals in New York State whose household income is below 60% of the State Median Income, including those participating in Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), the Home Energy Assistance Program (HEAP), and other benefit programs. Priority populations include individuals who are long-term unemployed and youth who are 16 to 24 years of age.

*(4) The expected social benefits to participants who receive the intervention and others who may be impacted:*

The primary expected social benefits from the project include:

- Increased employment opportunities and earnings for long-term unemployed individuals and youth;
- Reduced dependence of low-income families on federal means-tested benefits; and
- Increased financial stability of low-income families.

*(5) The detailed roles, responsibilities, and purposes of each Federal, State, or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder:*

| Role | Entity | Responsibilities |
|---|---|---|
| Government Entity/Funder | NYSERDA | • Manage SIPPRA funds flow between Treasury and Project.<br>• Fund training services. |
| PFS Intermediary | Social Finance, Inc | • Lead project design and support government entity contracting and fund management.<br>• Oversee and support evaluation.<br>• Provide active performance management services to monitor project indicators and outcomes and facilitate governance committees. |
| Independent Evaluator | MDRC | • Evaluate whether pre-determined outcomes have been achieved.<br>• Analyze federal budgetary impact observed.<br>• Produce Evaluation Progress Reports bi-annually and a Final Evaluation Report within six months of project completion. |
| Service/Training Provider Technical Assistance. | TRC Companies, Inc | • Support NYSERDA in implementation of interventions by contracted service providers delivering job training and supportive workforce services (*e.g.,* Green City Force). |
| Training Providers | Green City Force and others | • Identify and enroll eligible individuals in designated geographic region.<br>• Deliver clean energy workforce services (job training and supportive services) to enrolled individuals and support their placement into employment.<br>• Report and share programmatic data with Service Provider and other Project partners as necessary. |

*(6) The payment terms, the methodology used to calculate outcome payments, the payment schedule, and performance thresholds:*

NYSERDA will deliver the job training to three different cohorts. Cohort 1 will receive the training in project year 1; cohort 2 will receive the training in project year 2; and cohort 3 will receive the training in project year 3. To calculate the outcome payment, the average annual earnings of the treatment group will be compared to the average annual earnings of the control group, for six years after program services, or follow-up years. As a result, the project will measure six outcomes, with a single outcome payment to be calculated for each project year from project years 4 through 6 (covering follow-up years 1 through 3, respectively, for all cohorts) and three outcome payments in project year 7 (covering follow-up year 4 for all cohorts, follow-up year 5 for cohorts 1 and 2 and follow-up year 6 for cohort 1).

The outcome payment is determined using a tiered outcome payment scheme based on levels of success in achieving the outcome. While the average increase in earnings due to the treatment is calculated at the level of the follow-up year, individuals within each cohort and follow-up year may differ in income. Thus, the payouts are calculated by combining the cohort-level increase in income due to the treatment with individual-level income data.

*(7) The project budget:*

| | Year 0 | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | Total |
|---|---|---|---|---|---|---|---|---|---|---|
| ***Service Delivery Costs*** | | | | | | | | | | |
| Workforce development | | 1,260,000 | 3,150,000 | 2,590,000 | | | | | | $7,000,000 |
| Implementation management (TRC) | 165,000 | 95,000 | 95,000 | 95,000 | | | | | | $450,000 |
| Technical assistance / performance management (Social Finance) | | $280,000 | $150,000 | $150,000 | $50,000 | $50,000 | $50,000 | $50,000 | $25,000 | $805,000 |
| **Total Service Delivery Costs** | **$165,000** | **$1,635,000** | **$3,395,000** | **$2,835,000** | **$50,000** | **$50,000** | **$50,000** | **$50,000** | **$25,000** | **$8,255,000** |
| ***Evaluation Costs (MDRC)*** | | **$200,000** | **$200,000** | **$200,000** | **$110,000** | **$110,000** | **$110,000** | **$110,000** | **$60,000** | **$1,100,000** |
| Total PFS Project Cost | $165,000 | $1,835,000 | $3,595,000 | $3,035,000 | $160,000 | $160,000 | $160,000 | $160,000 | $85,000 | $9,355,000 |

*(8) The project timeline:*

The project timeline covers the seven-and-a-half-year period starting June 2021 through November 2028. Service delivery is expected to be implemented over three years in three cohorts. Evaluation is to be conducted over six, five, and four years after service delivery is completed for each cohort, respectively, with the final evaluation report being completed in the six months following the project period.

*(9) The project eligibility criteria:*

Providers will identify eligible participants using a variety of outreach tactics and referral channels that leverage local and community partners and networks and will employ a comprehensive recruitment and enrollment process that is tailored to the target population. The application process will include multiple stages that assess applicants' skills, interest and motivation, as well as potential needs or barriers to be addressed.

Each service provider will have access to a pool of interested applicants through the agencies in which they are housed and through their network of community-based organizations.

*(10) The evaluation design:*

A randomized controlled trial will be conducted in which eligible and interested individuals would be randomly assigned to a group eligible for the clean energy training program and other services or to a control group not eligible for the program.

*(11) The metrics that will be used in the evaluation to determine whether the outcomes have been achieved as a result of each intervention and how these metrics will be measured:*

Annual earnings will be measured using wage records from the New York State Unemployment Insurance (UI) system.

*(12) The estimate of the savings to the Federal, State, and local government, on a program-by-program basis and in the aggregate, if the agreement is entered into and implemented and the outcomes are achieved as a result of each intervention:*

The estimated savings to the federal government is the $7.1 M.

The estimated savings to State is $3.6M.

**Kathleen Victorino,**

*SIPPRA Program Director, Office of Economic Policy.*

[FR Doc. 2021–08096 Filed 4–19–21; 8:45 am]

BILLING CODE 4810–AK–P

# Reader Aids

**Federal Register**

Vol. 86, No. 74

Tuesday, April 20, 2021

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